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1911

STOCK LAWS

OF

MONTANA

PUBLISHED BY

THE MONTANA STOCKGROWERS
ASSOCIATION

D. W. RAYMOND, Secretary-Treasurer

COMPILED BY

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"INDEPENDENT PUBLISHING COMPANY, HELENA, MONTANA."



Montana. Laws, statutes, etc.

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Live Stock Laws.

BOARD OF STOCK COMMISSIONERS.

1782. **Appointment.**—The Governor is authorized to nominate, and by and with the consent of the Senate, appoint a Board of Stock Commissioners of one member from each County in the State, and such Stock Commissioners upon entering upon their duties must take the constitutional oath of office, which oath must be filed in the office of the Secretary of State. (Act approved February 23rd, 1897.) (5th Sess. 177.)

1783. (§ 2951.) **Qualifications and term of office of commissioners.**—Each member of said board so appointed must be the owner of cattle or horses in the county for which he is appointed, and shall be a resident of said county. The stock commissioners shall hold office for two years or until their successors are appointed and qualified, and in case of vacancy from death, resignation or removal the governor must appoint to fill such vacancy.

1784. (§ 2952.) **Districts.**—The board may divide the state into as many districts as necessary.

1785. (§ 2953.) **Organization of.**—The board must organize by electing one of their number president, and appoint a secretary.

1786. (§ 2954.) **Expenses allowed.**—The stock commissioners and their secretary receive no compensation or mileage for their services, but must be allowed their actual expenses incurred by them in the performance of their duties.

1787. (§ 2955.) **Duties of.**—It is the duty of the board to exercise a general supervision over, and so far as may be, protect the stock interests of the state from theft and disease, and devise and recommend from time to time, such legislation as in their judgment will foster this industry. The board may take all necessary and lawful steps, procure all necessary and lawful process for the attendance of witnesses, and employ counsel to assist in the prosecution of any person as hereinbefore provided, and it is the duty of the board, when necessary, to assist in the prosecution of any person guilty of any offense against the laws

of this state in feloniously branding or stealing any stock, or any other crime, or misdemeanor, under any of the laws of the state for the protection of the rights and interests of stock owners, and it is the duty of the board to make rules and regulations governing the recording and use of live stock brands.

1788. **Auditing bills for expenses.**—It is the duty of the Board to audit all bills for expenses incurred under the provisions of this Chapter, and if found correct, to certify the same, and the warrant drawn by the State Auditor, on the State Treasurer in favor of the party or parties entitled thereto for the amounts so certified, shall be drawn on the stock inspector and detective fund, **provided**, that said Board shall itself audit and directly pay from the donations to it made all extra expense bills incurred under the power conferred by Section Three of this Act.* (Act approved March 3rd. 1903.) (8th Sess. Chap. 50.)

* Note—Repealed Acts 1907, Chap. 172.

1789. **Report.**—The Board must make an annual report in writing to the Governor on the 31st day of December and must state therein all the transactions of the Board for the year. The said Board shall also present therein a list, as nearly complete as may be, of all stray cattle and horses sold, either within this State or in outside markets, whose proceeds have not been theretofore claimed by the owners. describing each animal by kind, sex, marks, brands, weight and net sum realized on sale of each and the name and address of the Stock Association or person to whom each amount was remitted, if known. And said Board shall also procure, and for the period of four successive issues next after May 1st of each year, publish in a newspaper in Helena and a newspaper in Billings, Montana, said data for the year preceeding May 1st, the expense of such publication to be borne pro rata by the proceeds of the animals listed therein. And it shall forthwith, after each yearly publishings, file a copy thereof in the office of the County Recorder of each County in the State. (Act approved March 3, 1903, § 2.) (8th Sess. Chap. 50.)

RECORD OF MARKS AND BRANDS.

1790. (§ 2940.) **Recorder of marks and brands.**—The secretary of the board of stock commissioners is the general recorder of marks and brands.

1791. **Recording brands. Fees.**—Whenever any person wishes to record a brand or mark, application may be made to the General Recorder of marks and brands directly, who must designate the particular brand, or mark and brand, to be used by the applicant, defining the position on the animal upon which the brand shall be placed. The General Recorder of marks and brands must keep a record, in a book kept by him for that purpose, of all brands and marks that may be recorded by him, with the name and residence of the person recording the same, which said report book shall be open to the inspection of the public; and he must also furnish to the owners of recorded brands a certified copy of the record of the same, which certificate is prima facie evidence of the ownership of the mark or brand so recorded. The General Recorder of Brands and Marks may charge and receive from each person recording a brand, or mark and brand a fee of two dollars for each brand or mark and brand so recorded. (Act approved March 11th, 1901.) (7th Sess. 127.)

1792. (§ 2942.) **Publication of brands.**—The general recorder of marks and brands shall annually have published as an appendix to the report of the board of stock commissioners to the governor, a list of all brands or marks and brands which have not been previously published, and cause the same to be printed and illustrated at his own expense, a sufficient number of copies in pamphlet form for free distribution to those engaged in stock raising.

1793. (§ 2943.) **Venting brands.**—Every person who sells horses, mules or cattle, must vent or counter brand such animals and said vent or counter brand must be upon the same side of the animal as the original brand and must be a fac simile of the original brand, except that it may be reduced one half in size, and the venting of said original brand shall be prima facie evidence of sale or transfer of said animal or animals so vented.

1794. **Exhibitin of Hides and Slaughtering of Cattle.**—All persons slaughtering cattle must keep the hides with the ears attached, for ten days, and persons having such hides in their possession must exhibit the same for examination, upon demand being made by any person. No person, whether the owner thereof or not, shall slaughter any cattle upon the public range of this state unless he is at such time

a member, or an employe of a member, of an organized roundup of cattlemen, and then only for the immediate consumption by the persons engaged in such roundup. Persons, except as provided in this Section shall slaughter cattle only upon the premises owned or occupied by them, or on which they have therefore been granted a written permit so to do by the owner or person occupying the premises. Any person who shall violate the provisions of this section shall be guilty of a misdemeanor. (Approved March 4, 1909.)

Chapter 27.—(1911).

An Act providing for the re-recording of every brand or mark upon horses, cattle or livestock, and regulating the making of such record and fixing the fees therefor, and repealing all Acts and parts of Acts inconsistent with the provisions of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every person, company or corporation, having horses, cattle or other livestock, and owning a brand or mark, or brands or marks, for the same, shall record such brand or brands, or mark or marks, with the General Recorder of Marks and Brands, on or before the 1st day of November, 1912, such record to be made in the manner now provided by existing laws for the recording of marks and brands.

Section 2. On and after the first day of November, 1912, no person, company or corporation shall claim or own any brand or mark which has not been re-recorded in accordance with the provisions of this Act, and any failure to re-record a brand or mark under the provisions of this Act shall be deemed an abandonment of the same, and any person, company or corporation shall be at liberty to adopt, and use any brand or mark so abandoned; **Provided**, that no person, company or corporation shall be at liberty to claim or use any such abandoned brand or mark until after he has caused the same to be recorded in his own name, under the provisions of this Act, and provided further, that before such brand or mark be claimed or used by such person, company or corporation, the notice specified in the following section shall have been given.

Section 3. It shall be the duty of the General Recorder of Marks and Brands to notify the owner of any recorded mark or brand at least sixty days prior to the expiration of the time in this Act provided for the re-recording of any mark

or brand, of his right to re-record the same. Such notice shall be given in writing and by registered mail, and shall be addressed to such owner at the postoffice address named upon the books of said General Recorder of Marks and Brands, and such notice shall be complete at the expiration of sixty days from the date of its mailing by said General Recorder of Marks and Brands.

Section 4. It shall be the duty of the General Recorder of Marks and Brands to publish in each and every newspaper printed within the State, at least six times, beginning not less than six weeks prior to the expiration of time in this Act providing for the re-recording of any mark or brand, a notice of the expiration of the time fixed for the re-recording of any mark or brand and of the right of all persons owning any mark or brand to re-record the same, which notice shall not exceed two hundred words, and the General Recorder of Marks and Brands shall also furnish to each newspaper copy to be used as a news item or editorial, calling attention to said publication.

Section 5. All re-recording of old brands or marks, and all recording of new brands or marks shall be done and made in all respects in accordance with the provisions of law now existing for the recording of marks and brands.

Section 6. For re-recording of any old brand or mark, the General Recorder of Marks and Brands shall be entitled to receive the sum of twenty-five cents; for recording a new brand or mark, or any old brand or mark in the name of a new owner, the General Recorder of Marks and Brands shall be entitled to receive the fees now allowed by law, all such fees to be by the General Recorder of Marks and Brands deposited to the credit of the Stock Inspector and Detective Fund.

Section 7. A Bill of Sale duly witnessed of any recorded mark or brand shall be prima facie evidence of ownership of such brand.

Section 8. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved February 16th, 1911.

STOCK INSPECTORS.

1796. (§ 2970.) **Appointment and powers.**—The board of stock commissioners may appoint such stock inspectors and de-

tectives as are necessary for the protection of the live stock interests of the state, and the inspectors and detectives have the same power as sheriffs to summon a posse when necessary and to make arrests. The stock inspectors and detectives may, when deputized by the sheriff, exercise the powers of deputy sheriff, but must not receive any fee or molument therefor from the state or any county.

1797. (§ 2971.) **Bond and Oath.**—The stock inspectors and detectives must each make and execute a bond with two sufficient securities, in the sum of one thousand dollars, to the state, conditioned for the full and faithful performance of their duties, said bond to be approved by and filed with the secretary of state, and each must take and subscribe the constitutional oath of office.

1798. (§ 2972.) **Duties of.**—It is the duty of the stock inspectors and detectives to arrest all persons who in their presence violate the stock laws of the state, and every stock inspector and detective, upon information that any person has committed any offense against the laws of the state in felonious branding or stealing any stock, or any offense against the laws of the state, for the protection of the rights and interests of stock owners, must make the necessary affidavit for the arrest and examination of such person, and, upon warrant issued therefor, immediately arrest such person, and bring him before the proper officer and notify the board of his acts.

1799. (§ 2973.) **Compensation.** The stock inspectors and detectives are under the exclusive control and direction of the board, and must be paid for their services such sums as may be agreed upon by the board, out of the fund hereinafter provided for, but in no case must they receive any mileage.

1800. (§ 2991.) **District officers, detectives and inspectors.**—The stock inspectors and detectives are district officers, and the board must designate the district in which the inspectors and detectives shall serve, and the district must be designated in their commissions.

1801. (§ 2974.) **Brands fraudulently changed.**—Whenever a mark or brand upon any meat cattle, horse, or other animals, has been fraudulently altered, obliterated or defaced, so that the original mark or brand cannot be determined through the external inspection thereof, any stock inspector or sheriff may seize and kill said animal to ascertain the mark or brand so

altered or defaced, upon paying to the owner the value of said animal. (Act approved March 2, 1895.)

1802. (§ 2975.) **Compensation for animals killed.**—The value of the animal so taken and killed shall be determined by three disinterested parties living in the vicinity where the animal is seized, and the tender of the valuation so made to the owner shall be full compensation on account of the loss of said animal. All sums of money disbursed as herein provided shall be paid out of the stock inspector and detective fund, and whenever possible the dead bodies of the animals killed shall be disposed of for cash, and the proceeds turned into said fund. (Act approved March 2, 1895.)

1803. (§ 2976.) **Costs on appeal.**—Should the owner of the animal so seized and killed feel dissatisfied with the valuation made, he may maintain an action against said officer seizing said animal, and should he fail to recover damages in any greater amount than that allowed under § 1802 (2975), he shall bear all costs that may be incurred in the maintenance of said action. (Act approved March 2, 1895.)

INSPECTION OF HORSES TO BE REMOVED FROM STATE OR COUNTY.

1804. **Inspection of horses before removal from state.**—From and after the passage of this Act, it shall be the duty of any and all persons removing or taking from this state in any manner whatsoever, any horse, mule, mare, colt, foal or filly, immediately before the shipment or removal of the same, and at the place, from which the shipment is to be made, to cause the same to be inspected by a stock inspector, or the sheriff of the county, from which such stock is to be removed, as hereinafter provided. (Act approved March 11th, 1901, § 1.) (7th Sess. 93.)

1805. **Duty of stock inspector.**—On receiving notice from any person that he desires to remove or take from this state to be sold or used outside of this state any of the class of animals mentioned in Section 1804 (1), it shall be the duty of any stock inspector or sheriff of the county from which such animals are to be taken, to inspect the same, by carefully noting the brands upon such animals, and otherwise describing such of said animals as may have no brands, and to keep a record of all such inspections in a book to be provided for that

purpose by the county commissioners of each county. Such descriptions shall contain:

1. The brands of all animals branded, and a description of animals not branded.

2. The number of animals inspected for removal.

3. The name of the owner or person removing the same.

4. The date of such inspection, with destination to which such animals are to be taken. If in the opinion of the officer making the inspection the person proposing to remove such stock is rightfully in the possession of the same he shall grant such person a certificate of inspection in duplicate, containing the matters herein provided, with the further statement that permission is granted to such person to remove such animals from this state. The person so receiving said certificates must deposit with the agent of the railroad company at the point from which the shipment is made the duplicate certificate referred to, which said duplicate must be filed by the agent, and must be at all times during business hours accessible to the public. The agent must at the time of the receipt of the duplicate indorse upon the original certificate the date of the receipt of the duplicate. If, however, the officers making such inspection, shall be of the opinion that such stock, or any portion thereof, is stolen, or otherwise wrongfully in the possession of the person proposing to remove the same, he shall withhold such certificate and permit to remove, until satisfactory assurance is given him of the rightful possession of such property by the person proposing to remove the same. Such certificate of inspection shall be by the holder thereof exhibited to any person demanding to see the same. (Act approved March 11th, 1901, § 2.) (7th. Sess. 94.)

1806. **Penalties.**—Any railroad company or agent shipping or permitting to be shipped from any station, siding or stock yards, without first receiving the duplicate certificate herein provided for, and indorsing on the original the date of its receipt, any of the animals mentioned in Section 1804 (1) of this Act, and any person removing or attempting to remove any of said animals without first securing a certificate of inspection, or any person in any other way violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and on conviction in any court of competent jurisdiction, shall be fined in any sum not less than fifty dollars nor more than three

hundred dollars and costs, and in default of payment of such fine and costs, shall be imprisoned in the county jail until such fine and costs are discharged, at the rate now provided by law. The fine herein provided for if collected shall be paid into the county treasury to the credit of the general fund of the county where said conviction is had. (Act approved March 11th, 1901, § 3.) (7th Sess. 95.)

1807. **Fees.**—For the service of inspection herein provided for the officer making such inspection shall receive three dollars per day while engaged in making such inspection, and shall receive in addition thereto his necessary actual expenses, to be paid by the person for whom the inspection is made. (Act approved March 11th, 1901, § 4.) (7th Sess. 95.)

1808. **Inspection of horses before removal from one county to another.**—That, from and after the passage of this Act, it shall be the duty of any and all persons, associations or corporations, removing or taking horses, mules or asses from one county to another county in this state, or beyond the boundaries of the state, by railroad, or in any other manner whatsoever, for the purpose of selling such stock, or of offering the same for sale at any public sale, to cause the same to be inspected by a state stock inspector or by the sheriff of the county from which the stock is to be removed, as hereinafter provided, and no railroad company shall accept such horses, mules or asses for shipment unless the shipper shall produce a certificate of their inspection, as herein required; **provided, however,** that the provisions of this Act shall not apply to stock removed or taken from one county to another for the purpose of pasturing, feeding or changing of range therefor, nor to stock so removed or taken for the use by any person, association or corporation in the usual and ordinary conduct of their business. (Act approved March 6, 1907.) (10th Sess. Chap. 125.)

1809. **Duties of stock inspector.**—On receiving notice from any person, association or corporation that he desires to remove, ship or take from one county in this state to another county in this state, or beyond the state boundaries, any of the class of animals named in Section 1808 (1), it shall be the duty of the stock inspector or sheriff of such county, from which such animals are to be taken, to immediately inspect the same by carefully noting the brands upon such animals and

otherwise describing such animals, and to keep a full and complete record of all such inspections in a book to be provided for that purpose by the State Board of Stock Commissioners. Such description shall contain.

I. The brands of all animals branded, and the description of animals not branded.

II. The number of animals inspected for removal.

III. The name of the owner or person removing the same.

IV. The name of the person, corporation or association from which the person removing the same made purchase of such animals.

V. The date of such inspection, with destination to which such animals are to be taken, and the means of their transportation.

VI. That none of such animals are suffering with any infectious or contagious disease.

If, in the opinion of the officer making the inspection, the person proposing to remove such stock is rightfully in possession of the same and that such animals are not infected with disease, he shall grant such person or persons, corporation or association, a certificate of inspection containing a statement of the matters hereinabove required, with a further statement that permission is granted to such person to remove such animals, either from the county or from the state, as the case may be. If, however, the officer or officers making such inspection shall be of opinion that such stock, or any portion thereof, is stolen or otherwise wrongfully in the possession of the person or persons proposing to remove the same, or are infected with disease, the inspection certificate and permit to remove shall be withheld until satisfactory evidence is given to the inspector of the rightful possession of such property by the person or persons proposing to remove the same, and, in case of disease, until the State Veterinarian shall have made examination of the animals withheld on account of disease, and made written order and direction respecting their disposition. Such certificate of inspection and permit to remove shall be, by the holder thereof, exhibited to any person or persons demanding to see the same. (Act approved March 6, 1907, § 2.) (10th Sess. Chap. 125.)

1810. **Certificate of inspection.**—It shall be the duty of the stock inspector or sheriff, immediately upon making the inspec-

tion herein required, in case he passes such livestock, to issue the certificate herein provided for, and to immediately transmit a duplicate for such certificate to the State Board of Stock Commissioners, to be by said board held and kept as a permanent record, and, in case he refuses to grant such inspection certificate because of question as to the ownership of the property, he shall immediately notify the State Board of Stock Commissioners of his refusal to grant such certificate and his reasons therefor; and, should he refuse to grant a certificate because of his belief that such livestock are infected with disease, the state veterinary surgeon shall be at once notified and required to make inspection and examination. (Act approved March 6, 1907, § 3.) (10th Sess. Chap. 125.)

1811. Penalties for violation of act.—Any person removing or attempting to remove any livestock of the kind named in Section 1808 (1) of this Act, without first having received the certificate of inspection and removal, herein provided for, and any railroad accepting for shipment any such property, without compelling the shipper to first give satisfactory evidence of his having received an inspection and removal certificate as herein provided, and any person refusing to exhibit such certificate upon proper demand, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in a sum not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for a period of not more than six months, or shall be punished by both such fine and imprisonment. All fines assessed and collected under the provisions of this Act shall be turned into the state treasury, and placed to the credit of the stock detective and inspection fund. (Act approved March 6, 1907, § 4.) (10th Sess. Chap. 125.)

INSPECTION OF CATTLE FOR SHIPMENT.

1812. Inspection of cattle to be removed from state.—It shall be the duty of any and all persons removing or taking from this State in any manner whatsoever, any cow, ox, bull, stag, heifer, steer, or calf, immediately before shipment of same, or its removal, and at the time and place from which said shipment is to be made, to cause the same to be inspected by a stock inspector of the State as hereinafter provided; **Provided, however,** that whenever any of the class of stock aforementioned shall be loaded for shipment and consigned to any

point where the State Board of Stock Commissioners maintain a stock inspector, then and in such event only, such shipments so consigned, need not be inspected in this State before shipment. (Act approved February 7, 1907, § 8.) (10th Sess. Chap. 8.)

1813. Duties of stock inspector.—On receiving notice from any person that he desires to remove from this state to be sold or used outside of the State, any of the class of animals mentioned in Section 1812 (1), of this Act, it shall be the duty of any stock inspector to whom such is given, to inspect said animals, carefully noting all of the brands and marks upon same, and make a report of such inspection to the Secretary of the Board of Stock Commissioners, which said report shall show the date of such inspection, the name and address of the person taking said animals from the State, the destination of the shipment, the marks and brands upon each animal together with the number of animals listed under each brand; and if in the opinion of the stock inspector the person proposing to remove the same, is rightfully in possession of the animals inspected, he shall grant such persons a certificate of inspection, containing the matter herein provided, with the further statement that permission is granted said person to remove such animals from the State. The person receiving said certificate must deposit it with the railroad agent at the point from which said shipment was made, which certificate must be filed by the agent and must be at all times during business hours accessible to the public, and the agent must at the time of filing said certificate endorse upon it the date of its receipt and filing by him. If, however, any stock inspector making such inspection shall be in doubt as to whether any of said stock is rightfully in possession of the person proposing to remove same from this State, he shall withhold such inspection certificate until satisfied that the said shipper is in rightful possession of such stock. (Act approved February 7, 1907, § 2.) (10th Sess. Chap. 8.)

1814. Penalties for violation of act.—Any railroad company or agent, shipping or permitting to be shipped from any station, siding or stock yards within this State, any of the class of animals described in Section 1812 (1) of this Act, without first receiving the aforesaid inspection certificate and endorsing upon it, the date of its receipt and filing, and any person removing

or attempting to remove from this State any of the said animals without first securing the certificate of inspection herein provided, and any person who shall load any of such stock for shipping and consign same to any point where the State Board of Stock Commissioners maintain a stock inspector, and who shall then reconsign them enroute to any other points, so as to avoid inspection at point of shipment and also the official inspection at the cities heretofore mentioned where such inspection is maintained, shall be deemed guilty of a misdemeanor and on conviction in any court of competent jurisdiction, shall be fined in any sum not less than Fifty (\$50.00) Dollars nor more than Three Hundred (\$300.00) Dollars, or imprisoned in the County Jail not to exceed six (6) months, such fine if collected to be turned into the general fund of the county where such conviction is had. (Act approved February 7, 1907, § 3.) (10th Sess. Chap. 8.)

INSPECTION OF PUBLIC MEAT MARKETS.

Chapter 21.

"An Act to amend Section 1815, of the Revised Codes of Montana of 1907, Relating to the Record of Horses and other Livestock sold at Public Markets."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1815, of the Revised Codes of Montana of 1907, be, and the same is, hereby amended so as to read as follows:

Section 1815. That, hereafter, any person, firm, corporation or association of individuals desiring to establish, maintain or conduct a market for the sale of horses or other livestock at public auction, or otherwise, shall keep a full and complete record book in which must be recorded the name or names of any person, corporation or association of individuals bringing to the said market, or offering for sale at such market any horses or other livestock, together with a description thereof as to their kind, and of all brands of every kind thereon. And if requested by the sheriff of the county or a stock inspector, in case question arises respecting the ownership, particular description shall be recorded showing, in addition to all the brands, the color and sex of such animals; and, in addition, such record shall clearly show the name of the person for whom such animal or animals were sold, the date of the sale, and the

person to whom such animal or animals were sold, and the particular character of the animal or animals. Such record book must be open for inspection by the public for persons interested at any and all reasonable times.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 16th, 1909.

1816. **Inspection of public markets.**—The stock inspector of the county or district, or the sheriff of any county in this state and the State Veterinarian, or any person duly appointed and representing the State Board of Stock Commissioners may enter upon the premises where any such livestock are being held, or sold, and be accorded every facility, by the owners thereof, in determining whether any violations of the law are being made, or are likely to be made, by any person, association or corporation whatsoever. **Provided, however,** that such inspection shall not unnecessarily interfere with the conduct of the sales; and that no horses, or other livestock, so sold at such market shall be delivered to the purchaser until he shall first have received an inspection certificate issued by one of the officers hereinabove designated for the inspection of such livestock, showing clearly and explicitly that the person making such inspection, as herein authorized, is satisfied as to the ownership of such livestock and the health of all animals so sold. (Act approved March 5, 1907, § 2.) (10th Sess. Chap. 96.)

1817. **Quarantine of diseased animals.**—Should the person herein authorized to inspect such livestock at any such sale find any of the animals afflicted with an infectious or contagious disease, he shall immediately take possession of such animals and place them in quarantine to be thereafter disposed of as may be directed by the State Veterinary Surgeon. And, in the event there is any question arising respecting the ownership of any animal sold, the person so making the inspection as herein authorized shall have the right, privilege, power and authority to take possession of such animals; **provided,** that he shall notify the person in charge of such market and conducting the sales and also the person who may purchase any such livestock at any such sale, within a reasonable time. **Pro-**

vided, further, that, where any livestock is sold, the ownership of which is not known or determinable by the person or persons herein authorized to make inspection, they may be sold as strays, and that the net proceeds derived from said sale shall be transmitted to the State Board of Stock Commissioners of the State of Montana, Helena, Montana, to be held and kept, together with a complete description of any such animal or animals and the brands thereon, and such money shall be held and retained by the State Board of Stock Commissioners for the use and benefit of the owner or owners of any such animal or animals, and paid over to such owner or owners when the ownership shall have been satisfactorily determined. And, in the event that the proceeds of the sale of any such animal or animals so transmitted to the State Board of Stock Commissioners be not claimed by the lawful owner of the property so sold, within two years from the date of the receipt of the proceeds of such sale, such money shall be held and disposed of as hereinafter provided; **provided,** that nothing herein contained shall be so construed as to repeal or avoid the application of Chapter I, Laws of 1903, amendatory of Section 1788 (2056), 1789 (2957) and 2990 of the Political Code of the State of Montana. (Act approved March 5, 1907, § 3.) (10th Sess. Chap. 96.)

1818. State Treasurer to hold proceeds of sales of stray stock.—When the provisions of this law shall have been fully complied with, and the money paid into the state treasury, two years after its receipt from the State Board of Stock Commissioners, the state treasurer shall be required to hold such money in a separate fund to be known and designated as the "Stray Stock Fund," and his books shall show all information with respect to the sale and proceeds from each animal in accordance with the published yearly report of the State Board of Stock Commissioners, and such money shall be held by the state treasurer for the use and benefit of the rightful owner and claimant of such money for the period of one year, after which it shall become state property, and be placed to the credit of the State Stock Inspection and Detective Fund. (Act approved March 5, 1907, § 4.) (10th Sess. Chap. 96.)

1819. Penalties.—Any person or persons, corporation or association guilty of a violation of any of the provisions of this Act shall be deemed guilty of a misdemeanor, and is punish-

able by a fine not exceeding six hundred (\$600.00) dollars, or by six months' imprisonment in the county jail, or by both such fine and imprisonment. (Act approved March, 1907, § 5.) (10th Sess. Chap. 96.)

SHIPMENT OF ESTRAY CATTLE.

1820. **Shipment of stray cattle; duties of shipper.**—That every person, agent, firm, corporation, pool or round-up association who shall ship cattle from this state may ship with their own cattle any strays which may be among them, but they shall, before shipment or at the time of loading same on the cars for shipment carefully and as accurately as possible, inspect or tally the brand on such cattle, whether their own or strays, making a list in duplicate, which list shall state the date of loading, name of shipper, description of brands on each animal, number and class of each brand, destination, name of commission firm to whom consigned, and the name of person in charge of shipment; one copy of this list to be filed with the railroad agent at point of loading, who shall, in turn, forward the same to the Board of Stock Commissioners, at Helena, within two days after shipment, and another copy to be immediately mailed to the State Stock Inspector at point of destination. (Act approved March 5, 1907, § 1.) (10th Sess. Chap. 94.)

1821. **Description of animals taken out during shipment.**—That every person in charge of, or who accompanies such shipment as the shipper in charge, shall take an accurate description including the brands of each and every animal whether dead or alive taken out of shipment in transit between original loading point and final destination, and shall hand such description to the State Stock Inspector at such point of destination immediately upon arrival of the shipment in the stock yards. (Act approved March 5, 1897, § 2. (10th Sess. Chap. 94.)

1822. **Powers and duties of inspectors outside of state.**—The Stock Inspector appointed to inspect Montana cattle at any cattle market outside of this state shall be duly commissioned by the State Board of Stock Commissioners, and shall be qualified and have power and authority to inspect any or all cattle that may come from this state to the market where he may be located, having the same power as other stock inspectors within the state to inspect and seize any stock which he may have

reason to believe is stolen, or upon which brands have been altered or obliterated, and shall have authority to take the proceeds of any animal in dispute or bearing altered or burned brands, remitting such proceeds to the State Board of Stock Commissioners, who shall hold same pending a decision as to ownership, and such stock inspector shall, upon receipt of the certified lists mentioned in Section 1820 (1) and 1821 (2) of this Act, make inspection of the cattle so listed, and, if upon comparison of such list with his own inspection, he shall find any difference or discrepancy, he shall make a second inspection of any animal or animals or upon which the two tallies do not agree, clipping the animal when necessary to determine, accurately and definitely, which inspection or tally is correct, and he shall forthwith make inspection report to the State Board of Stock Commissioners, stating in detail wherein any discrepancies with the loading tally exist, and calling special attention to his own inspection of such animal or animals and he shall, on his own report, make mention of any and every animal with the brands thereon which were taken out by the shipper in charge of the stock while in transit between the original loading point and point of final destination; all such reports to be entered in a suitably bound book and be, at all times, open to public inspection. (Act approved March 5, 1907, § 3.) (10th Sess. Chap. 94.)

1823. **State board of stock commissioners to furnish blanks.**—The State Board of Stock Commissioners shall have printed the necessary blanks for the tallying of cattle at loading point as provided in Section 1820 (1) of this Act, and shall furnish same free to shippers on application. The expense of such printing to be paid out of the stock inspector and indemnity fund. (Act approved March 5, 1907, § 4.) (10th Sess. Chap. 94.)

1824. **Failure of shipper or inspector to comply with this act. Penalty.**—Any person, agent, firm, corporation, pool, or round up association who shall ship cattle from this state, and shall fail to make such inspection or tally at point of loading, or who shall fail to file a true and correct tally, to the best of their knowledge and belief, of all the brands of cattle in such shipment with the railroad agent at the point of shipment, or who shall fail to forward a true and correct copy, duly signed by them as parties making the shipment, to the Stock Inspector

at point of destination, or any person who shall accompany a shipment of cattle as the shipper in charge from this state, and shall fail to take a description of any and every animal taken out in transit and hand such description to the stock inspector at market points of destination, or any stock inspector at market points who shall fail to make inspection as provided in Section 1822 (3) of this Act, shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not less than fifty (\$50.00) dollars, nor more than five hundred (\$500.00) dollars, for each and every offense. The fines so collected to be turned in the general fund of the county where conviction is had, and any stock inspector, sheriff, or other police officer, shall have power to make arrests to enforce the provisions of this Act. (Act approved March 5, 1907, § 5.) (10th Sess. Chap. 94.)

Chapter 2.

An Act providing for the disposition of moneys received from the sale of estrays, and prescribing the duties of the state treasurer, and board of stock commissioners with reference thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That all unclaimed money which is now in the hands of the State Board of Stock Commissioners, or in the possession of the Secretary or Treasurer of said Board, received from the sale of stray cattle or horses, shall be fully accounted for and paid over to the state treasurer of the State of Montana within thirty (30) days from and after the passage and approval of this Act.

Section 2. Immediately upon the passage of this Act the State Examiner shall investigate the books of account of said board and its officers, respecting the methods of administering said funds in the past, and after the completion of such examination he shall at once make full and complete report with reference thereto to the Governor.

Section 3. All of said funds which shall have been in the possession of the State Board of Stock Commissioners, or its officers for a period of two years or over, shall be by the state treasurer at once deposited to the credit of the stock inspection and detective fund to be used and expended as provided by law.

Section 4. The proceeds derived from the sale of all stray

cattle or horses sold either within or without the state, shall hereafter be at once transmitted to the state treasurer of the State of Montana, together with a statement of the net proceeds derived from the sale, and such proceeds shall be paid and turned over by the treasurer to the owner of the recorded brand on the animal upon request of the Secretary of the State Board of Stock Commissioners and after the approval of the State Board of Examiners: it being hereby intended that as to the ownership of the animals sold determinable from the brands reported on such animals, that the Secretary of the Board of Stock Commissioners, or the Board of Stock Commissioners, shall first determine the ownership of such animals sold, and that the returns shall not be paid to such owner by the treasurer until after the State Board of Examiners shall first have passed upon and approved such payment.

Section 5. A full description of the estrays for which the proceeds derived from their sale remains in the hands of the treasurer unclaimed shall be published for the period of four (4) consecutive issues next after May 1st of each year, in four (4) newspapers, one of which shall be published in the City of Helena, and the others in the cities of Billings, Miles City and Fort Benton, and when such publication shall have been made, and the proceeds from the sale of such animals shall have remained in the hands of the state treasurer for a period of two years, it shall be by the treasurer at once placed to the credit of the stock inspection and detective fund.

Section 6. Immediately upon receipt by the state treasurer of any funds derived from the sale of livestock, he shall communicate with the secretary of the state board of stock commissioners, in writing, giving the description of the animals and brands, as same were reported to him, to the end that inquiry and investigation may be at once made respecting ownership.

Section 7. Whenever it shall appear that the brand on an animal sold and reported as an estray was not recorded, or is blotched or dim, no person shall be paid therefor by the state treasurer until the board of stock commissioners shall first have investigated the case and determined ownership, and if said board of stock commissioners determine that the animal was without ownership possible of identification, thereupon the proceeds from the sale of such animal shall be at once

placed to the credit of the stock inspection and detective fund.

For the purpose of considering such cases and determining the ownership of such animal or animals, the board of stock commissioners is hereby required to meet in the City of Helena in the months of May and December of each year.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved January 30th, 1911.

SHIPMENT CONTRACTS.

Chapter 138.

An Act Regulating and Governing Contracts relative to the shipment of Livestock, and the Giving of Notice or Claim for Loss or Damage thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any provision, stipulation or condition in any shipping contract, bill of lading or other agreement hereafter made or entered into by or between any common carrier and the owner or shipper of any shipment of livestock, providing that written or verbal notice of loss, injury or damage thereto or of claim therefor, shall be made or given to any common carrier or to any agent or officer of any common carrier or to any other person within any period less than four months from the date of the occurrence of any such loss, injury or damage, shall be void and of no effect.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage.

Approved March 10, 1909.

EXTERMINATION OF SCABIES.

1828. **Scabies in horses. Duty of board.**—In addition to the powers now conferred upon it by law the Board of Stock Commissioners of this State shall have the power and it shall be its duty to determine the existence of and employ the most efficient and practical means to prevent, suppress, control and eradicate the disease known as scabies among horses, mules,

asses and cattle; and to direct and regulate the handling, dipping or treating of any of the aforesaid classes of live stock when infected with or exposed to the said disease; to make and adopt such quarantine and sanitary regulations to that end as may be by it deemed expedient, **provided**, that all such regulations shall so far as practicable conform to the regulations in that regard of the Department of Agriculture of the United States as they shall be from time to time promulgated; and to create and define districts within which such disease exists; **provided further** that in determining the district or districts within this State in which such disease from time to time exists, said board shall co-operate with the said Department of Agriculture. A majority of said Board shall constitute a quorum, and the said Board may exercise any of the powers conferred upon it by this Act through committees of its own members thereto specially empowered by resolution. (Act approved February 6, 1905, § 1.) (9th Sess. Chap. 7.)

1829. **Infected districts.**—Whenever the said Board shall from time to time have determined that said disease exists in any such district or districts, and created and defined the same, the same shall be known as an infected district or districts, and the Board shall as soon as possible after creating such infected district, cause notice of the creation and of the limits thereof to be given by publication once a week for three successive weeks in some newspaper published within and of general circulation within said district, and if no newspaper be published therein, then in some newspaper published at a point nearest thereto; and thereupon it shall be the duty of all persons owning or having the control of any of the aforesaid classes of live stock within the boundaries of said district, to dip or treat said live stock within said district or so much of said livestock as the regulations of said Board applicable to said district may require the dipping of all such live stock to be in strict compliance with the regulations of said Board, and within such reasonable time after the completion of the publication of the notice of the creation of said district as said Board may prescribe. The said Board shall, before publishing said notice, as to any created district, prescribe the dipping regulations applicable thereto; and shall publish said regulations applicable thereto; and shall publish said regulations with said notice. (Act approved February 6, 1905, § 2.) (9th Sess. Chap. 7.)

1830. **Treatment of stock in district.**—It shall be the duty of said Board of Stock Commissioners promptly upon the expiration of thirty (30) days after the completion of the publication of notice of the creation of such infected district, to cause to be seized and gathered and dipped and treated any undipped or untreated live stock of the classes named within said district; **provided, however,** that no obligation shall exist or be created by or against the said Board on account of the dipping or treating of any live stock by it, but such expenses shall be a charge against and shall be paid by said Board out of any sums realized out of the lien of liability by this Act created. (Act approved February 6, 1905, § 3.) (9th Sess. Chap. 7.)

1831. **Powers of state veterinarian.**—The State Veterinarian and Stock Inspectors shall be subject to the supervision and control of the said Board in the exercise of the powers conferred upon it by this Act, and they shall accomplish all orders to them by said Board directed and perform all duties that may be imposed upon them by the regulations of said Board, and to that end whenever necessary, they may enter upon and examine any car, yard, stable, corral, steamboat or any building or premises to examine any said live stock therein or thereon, and otherwise do whatever may be found necessary and proper therein or thereon to the effectual discharge of their said powers and duties. (Act approved February 6, 1905, § 4.) (9th Sess. Chap. 7.)

1832. **Stock inspectors; deputy state veterinarians.**—The Stock Inspectors shall be deemed for the purpose of accomplishing the provisions of this Act, Deputy State Veterinarians, and subject to the approval of the Department of Agriculture of the United States. The Inspectors appointed by it may also be appointed Deputy State Veterinarian by the said Board for the purpose of this Act, and they shall hold said appointment at the pleasure of said Board so long as they remain inspectors of said Department and as such are stationed in this state, and they shall act as such Deputies without bond or compensation from the State and shall possess all the powers and duties of Deputy State Veterinarians as needed for the purpose of this Act. (Act approved February 6, 1905, § 5.) (8th Sess. Chap. 7.)

1833. **Dipping to be under control of state veterinarian.**—All dipping shall be under the supervision of the State Veteri-

narian, and every person within the district who shall own or control any of said live stock required to be dipped or treated therein, shall as soon as the same shall have been dipped or treated in conformity with the regulations of said Board, be entitled to receive and shall receive from the State Veterinarian a certificate in writing to that effect. The said Board is hereby empowered and required by regulation to impose and collect a dipping inspection fee to cover the estimated cost of dipping or treating supervision incurred under its regulations. (Act approved February 6, 1905, § 6.) (9th Sess. Chap. 7.)

1834. **Expense a lien on stock treated.**—For all sums paid out by the said Board, pursuant to the provisions of this Section, and in addition thereto such further sum per head of live stock dipped or treated as in this Act provided, as may be fixed by the said Board by regulation as a penalty, and for all amounts due on account of dipping or treating supervision it shall have a lien upon all such live stock so dipped or treated and any other live stock of the person owning the same, which lien shall be a first lien and superior to any other lien, claim or demand against said live stock, which said lien the said Board shall have power to enforce by appropriate action and it may further maintain an action to recover from the owner of such live stock the amount of said lien. The Board shall cause to be kept in the office of the Secretary thereof a record of all sums due to it on account of payments made or expenditures incurred on account of the dipping of any such live stock, or on account of dipping or treating supervision, together with the brand of all live stock affected by the lien aforesaid and the name of the owner thereof. A certified copy of such record shall be filed in the office of the County Clerk where such owner resides, or where such live stock are, if the owner does not reside in the State of Montana, which shall be deemed to impart notice of such lien. No such lien shall be effective until such certified copy is filed. (Act approved February 6, 1905, § 7.) (9th Sess. Chap. 7.)

1835. **Penalties.**—Any owner or person having control of any of said live stock or any other person whether an officer or employee of said Board or a private person who shall wilfully violate any provisions of this Act or regulations or orders lawfully made in conformity therewith, or who shall in any manner hinder or obstruct the execution of any such regulation

or order, or hinder, resist or obstruct any officer or employee of said Board or the State Veterinarian or any of his Deputies or any Stock Inspector in the discharge of his duty or in the exercise of his lawful powers or who shall wilfully or negligently break any quarantine, or wilfully or negligently suffer any quarantined animal or animals to escape from quarantine, shall be deemed guilty of a misdemeanor. (Act approved February 6, 1905, § 8.) (9th Sess. Chap. 7.)

1512. Meat and milk inspector office created, appointment.—The office of Meat and Milk Inspector is hereby created in the State of Montana for the Counties of the first, second and third class and immediately on the passage of this Act, the President and Secretary of the State Board of Health and the State Veterinarian shall appoint a Meat and Milk Inspector for the Counties of the first, second and third class, and when deemed necessary by the President and Secretary of the State Board of Health and the State Veterinarian, or upon the request of one hundred tax payers in the Counties of the fourth, fifth, sixth and seventh classes they shall then appoint a Meat and Milk Inspector for said Counties of the fourth, fifth, sixth and seventh classes. (Act approved March 7, 1903, § 1.) (8th Sess. Chap. 120.)

1513. Deputy state veterinarian. Reports.—Such Meat and Milk Inspectors shall be designated Deputy State Veterinarians, and shall make report at the end of each calendar month to the State Veterinarian of all things pertinent to their office, and shall also make an annual report at the end of the fiscal year, addressed to the State Veterinarian. (Act approved March 8, 1903, § 2.) (8th Sess. Chap. 120.)

1514. Salaries of inspectors.—Said inspectors of the counties of the first class shall receive an annual salary of Two Thousand Dollars (\$2,000.00). Inspectors of the second class Counties shall receive One Thousand Five Hundred Dollars (\$1,500.00) annually; Inspectors of the third class Counties shall receive One Thousand Two Hundred Dollars (\$1,200.00) annually; Inspectors of the fourth class Counties shall receive One Thousand Dollars (\$1,000.00) annually; Inspectors of the fifth class Counties shall receive Seven Hundred and Fifty Dollars (\$750.00) annually; and Inspectors of the sixth and seventh class Counties shall receive Six Hundred Dollars (\$600.00) annually, to be paid out of the general State fund monthly.

(Act approved March 7, 1903, § 2.) (8th Sess. Chap. 120.)

1515. Qualifications.—No person shall be appointed to the office of Meat and Milk Inspector unless he is a graduate in good standing of some regular and reputable Veterinary Medical College, or of a Medical Department of a University, and must be registered and admitted to practice in the State of Montana, and before such appointment he shall be required to exhibit his diploma as such graduate, and if deemed necessary by the above mentioned Board, he shall pass an examination before said Board upon the specialty of Meat and Milk Inspection. (Act approved March 7, 1903, § 2.) (8th Sess. Chap. 120.)

1516. Removal of inspectors.—All inspectors appointed by the above mentioned Board shall be under the direct supervision of the State Veterinarian Surgeon, and for cause may be removed at any time by said Board, consisting of the President and Secretary of the State Board of Health and the State Veterinarian. (Act approved March 7, 1903, § 3.) (8th Sess. Chap. 120.)

1517. Rules and regulations.—The rules, regulations and methods of inspection adopted by the Bureau of Animal Industry of the United States Government, supplemented by any rules deemed necessary by the aforementioned Board shall be taken as the standard of Meat Inspection, and shall be followed as closely as may be consistent by said Meat and Milk Inspectors appointed by said Board, provided said Inspectors are hereby empowered to enter any premises or any place whatsoever where animal food products are kept for sale, slaughter houses, markets, stores, or any building or premises of whatsoever character necessary for him to visit in the performance of his duties. (Act approved March 7, 1903, § 3.) (8th Sess. Chap. 120.)

1518. Powers and duties.—The Meat and Milk Inspector appointed by said Board shall have the right to condemn any meat, carcass or parts of carcasses, poultry or fish, or parts thereof, or all cattle, sheep, swine, poultry, fish, or any domestic animal, whatsoever, intended for food for human consumption, which is found, after examination, to be unfit for food, and it shall be said Inspector's duty to destroy all such contaminated meat or poultry or fish by slashing said meat or muscular tissue, or poultry or fish, or carcass, or parts of carcasses of any domestic animal whatsoever, in numerous places, with a

knife, and into such incision said inspector shall then pour or inject with a suitable syringe, sufficient kerosene to taint such meat or food product, and make it impossible to be used for human consumption. (Act approved March 7, 1903, § 5.) (8th Sess. Chap. 120.)

1519. **Registration of dealers. Fees.**—Any person, persons, or corporation selling or dealing in fresh meats, fish and poultry, in Counties in which a Meat and Milk Inspector is appointed, shall annually, before the first day of June, register in the books of such Inspector, and shall pay an Inspection license to such Meat and Milk Inspector in the sum of Fifteen Dollars (\$15.00) per annum, payable quarterly in advance, and each and every wholesale and retail dealer handling, selling or dealing in fresh fish and poultry where fresh meats are not sold or dealt in, shall pay an inspection license to such Meat and Milk Inspector in the sum of Four Dollars (\$4.00) per annum, quarterly in advance, and all moneys so collected by said Inspector shall be by him paid into the State Treasury, quarterly, as received, to be turned into the general fund, and receipted therefor by the Treasurer to such general fund, and receipted therefor by the Treasurer to such inspector. (Act approved March 7, 1903, § 6.) (8th Sess. Chap. 120.)

1520. **(Unlawful to sell diseased meats.**—It shall be unlawful to sell or offer for sale, buy or offer to buy, take or give away, for the purpose of food, any animal suffering from hog cholera, swine plague, charbon or anthrax, rabies, malignant epizootic, catarrh, pyaemia or septicaemia, mange or scab, in advanced stages, actinomycosis, or lump jaw, inflammation of the lungs, the intestines or peritoneum, Texas fever, extensive or generalized tuberculosis, animals in an advanced stage of pregnancy, or which have recently given birth to young, any disease or injury causing an elevation of the temperature or affecting the system of the animal to a degree which would make the flesh unfit for human food; any organ or part of the carcass which is badly bruised or affected by tuberculosis, actinomycosis, cancer, abscess, suppurating sores or tape worm cyst, poultry or fish or other animal food products in a decaying or putrid condition, or poultry suffering from tuberculosis or other general disease, animals too young and immature to produce wholesome food; animals too emaciated and anaemic to produce wholesome meat, distemper, glanders and farcy or any

other malignant disorder, acute inflammatory lameness and extensive fistula. (Act approved March 7, 1903, §7.) (8th Sess. Chap. 120.)

1521. **Federal inspection recognized.**—Nothing in this Act, or any paragraph thereof, shall be so construed as to interfere with the offerings for sale of any wholesome meats, bearing the stamp or tag indicating that the same has been inspected by the United States Bureau of Animal Industry, or of any State or County, or municipal Inspector. **Provided, however,** that if there is any reason to believe that such meat is in a putrid, decaying or unwholesome condition, it shall be said Inspector's duty to inspect such meat whenever complaint is made to him relative thereto, or he personally has reason to believe that such condition exist, and should he find such meat in a putrid, decaying condition, or preserved by chemical preservatives, or in any condition making it unwholesome for human consumption, it shall then be his duty to destroy such meat, as is herein provided. (Act approved March 7, 1903, § 8.) (8th Sess. Chap. 120.)

1522. **Inspection of dairies.**—It shall be the duty of such Meat and Milk Inspector to inspect such dairy supplying milk to the public in his County for human consumption not less than once in every month during the calendar year, and it shall be the duty of such Inspector to issue to each person or persons, or corporation supplying milk to the citizens of such Counties of the State of Montana, a certificate of health every ninety days, which certificate of health shall include a certificate of the sanitary condition of such dairy. (Act approved March 7, 1903, § 9.) (8th Sess. Chap. 120.)

1523. **Certificate of health for dairy cattle.**—It shall be unlawful for any person or persons, company or corporation, to feed unwholesome food of whatsoever character to his dairy cows. Each dairyman, person, persons, company or corporation, supplying milk to the public, must have for each cow, his certificate of health, including the tuberculum test made by said Inspector, stating that each cow is free from tuberculosis or consumption, or any other infectious disease whatsoever. (Act approved March 7, 1903, § 10.) (8th Sess. Chap. 120.)

1524. **Inspection of milk.**—Whenever in the observation of the Meat and Milk Inspector, proper cleanliness of vehicles, utensils, pails, pans or other utensils, used in the accumulating, handling, or marketing of said milk is not up to

the proper standard, it shall be the Inspector's duty to prohibit the said person or persons, or corporation from selling said milk, until such time as proper methods of cleanliness and pre-contaminate such milk or dairy product. (Act approved March 7, 1903, § 12.) (8th Sess. Chap. 120.)

1525. **Dairies must be kept clean.**—All persons or corporations engaged in the dairy business and supplying milk to the citizens of the State of Montana, shall keep their barns or stables free from filth or manure or other substances likely to harbor or favor the growth of disease producing germs therein, or about their stables or barns likely to be carried in, or to contain such milk or dairy product. (Act approved March 7, 1903, § 12.) (8th Sess. Chap. 120.)

1526. **Duty to notify inspector of infected milk.**—Any resident of the State of Montana, to whose knowledge or observation comes the fact that any dairyman, person or persons, or corporation, is supplying milk from any diseased cattle, or cattle fed on stable bedding, stable refuse, or any improper food of any character whatsoever, it shall be his duty to at once notify said Inspector of such County, who shall at once visit the premises or place indicated, and if he finds said complaint true, it shall then be said Inspector's duty to at once prohibit the future selling of the product of said dairy, or dealer, or corporation, and to at once file an information against said dairyman, person or persons, corporations or dealer. (Act approved March 7, 1903, § 13.) (8th Sess. Chap. 120.)

1527. **Records of samples inspected.**—Such Inspector shall keep in his book of records kept for the purpose the names and place of business of all persons engaged in the sale of milk and cream within the County, and the Inspector is hereby empowered to enter all places in which milk, cream, or dairy products are stored or offered for sale, and all vehicles used for the conveyance of milk or cream, and may take therefrom samples for analysis. The inspector shall, upon request made at the time such sample is taken, take, seal and deliver to the owner or person from whose possession the milk or cream or dairy products are taken, a portion of each sample, and a receipt therefor shall be given. The Inspector shall analyze such sample, or otherwise satisfactorily test the same, and shall record and preserve such record as evidence of the result thereof, but no evidence of the result of such analysis or test shall be received if the Inspector, on request, refuses or neglects to seal

and deliver a portion of the sample, taken as aforesaid, to the owner or person from whose possession it is taken. (Act approved March 7, 1903, § 14.) (8th Sess. Chap. 120.)

1528. License of dairymen.—Any person, persons, or corporation, in Counties in which a Meat and Milk Inspector is appointed, who conveys milk or cream in vehicles of any character whatsoever, for the purpose of selling it in such Counties, shall annually before the 1st day of June, be licensed by the Meat and Milk Inspector of said County to sell milk and cream within the limits thereof, and shall pay to such Inspector for each and every vehicle of whatsoever character used in the sale or delivery of such milk or cream or dairy product, the sum of Twelve Dollars (\$12.00) per annum, payable quarterly in advance, which sums shall be paid into the State Treasury by such Inspector, quarterly as received, to be turned into the general fund, and receipted therefor by said Treasurer to said Inspector.

Sub-Division 1. Licenses shall be issued only in the name of the owner of the vehicles, carriages or other conveyances.

Sub-Division 2. Such license shall, for the purposes of this Act, be conclusive evidence of ownership, and shall not be assigned or transferred.

Sub-Division 3. Each license shall contain the number thereof, the name, the residence, the place of business, the number of vehicles used by the person, persons, or corporations, and the name of every driver or other person employed by the owner or owners in carrying, conveying or selling milk or cream.

Sub-Division 4. Each person, persons, or corporation shall, before engaging in the sale of milk or cream, or dairy products of any character whatsoever, cause his name and number of his license to be placed legibly on each outer side of all carriages or vehicles or conveyances of whatsoever character used by him the conveyance for sale of milk or cream.

Sub-Division 5. Every person or persons, company or corporation, before selling milk or cream, or offering the same for sale in a store, booth, stand, market place, depot, or any place whatsoever, in a county in which a Meat and Milk Inspector is appointed, shall register in the books of such Inspector his or her name, or the name of the company or corporation, and proposed place of sale.

Sub-Division 6. Nothing in Section 1528 (15), with the ex-

ception of Sub-Division five, shall be construed to apply to dairies milking five cows, or less. (Act approved March 7, 1903, § 15.) (8th Sess. Chap. 120.)

1529. **Adulterated milk.**—Any person or persons, or servant or agents, or any other person who sells, exchanges, delivers, gives away, or has in his custody or possession, with intent to sell, exchange, or deliver, or give away or expose, or offer for sale or exchange adulterated milk or cream, or milk or cream containing filth or dirt, or milk or cream to which water, boric acid, salt, salicylic acid, and salicylate of sodium, formaldehyde, formaline, cornstarch, gelatine, isinglass, coloring matter, or any other extraneous substance has been added, or milk produced from cows which have been fed on swill or other improper food, or from sick or diseased cows, or whole milk from which the cream, or a part thereof has been removed, and whoever sells, exchanges or delivers, or has in his custody or possession with intent to sell or exchange, deliver or give away, skimmed milk, containing less than nine per cent, of milk solid, exclusive of fat, shall be deemed guilty of a misdemeanor, and shall be punished, as provided in Section 1538 (23) of this Act. (Act approved March 7, 1903, § 16.) (8th Sess. Chap. 120.)

1530. **Standard of quality.**—On any prosecution under the provisions of this Act, milk upon which analysis is shown to contain less than twelve per cent of total solids, or less than nine per cent of solids exclusive of fats, or less than three per cent of fat, shall not be considered milk of good standard quality, and cream containing less than fifteen per cent of fat, which shall be the standard of quality for the State of Montana, shall not be considered cream of good standard quality. (Act approved March 7, 1903, § 17.) (8th Sess. Chap. 120.)

1531. **Unlawful to sell milk below standard.**—It shall be unlawful for any person or persons, company or corporations, by his or their servant or servants, agent or agents, or as the servants or agents of any other person, persons or corporation, to sell or offer for sale, exchange, or deliver or give away, or have in his or her custody or possession, with intent to sell, exchange or deliver, milk or cream, which is not of good standard quality, as above prescribed. (Act approved March 7, 1903, § 18.) (8th Sess. Chap. 120.)

1532. **Skimmed milk.**—Any person, persons, or corporation, who, by his or their agent or agents, sells, exchanges, gives

away, or delivers, or has in his custody, with intent to sell, exchange or deliver milk, from which the cream or part thereof has been removed, not having the words "Skimmed Milk" distinctly marked on a light ground in plain, dark, uncondensed Gothic letters, at least one inch in length, in a conspicuous place upon every receptacle, can or package, from, or in which such milk is contained, or is intended to be sold, exchanged, given away, or delivered, shall be punished, as provided in Section 1538 (23) of this Act.

Sub-Division 1. If such receptacle, can or package is of capacity of not more than two quarts, the said words may be placed upon a detachable label or tag attached thereto, and said letters may be less than one inch in length.

Sub-Division 2. Any milk found in such receptacles, vessels or cans, containing more than one per cent of butter fat, shall not be considered, within the meaning of this Act, "Skimmed Milk." (Act approved March 7, 1903, § 19.) (8th Sess. Chap. 120.)

1533. **Counterfeiting seal.**—It shall be unlawful for any person or persons, company or corporation, to cause, to make, or cause to be made, or use or have in his or her, or their possession, an imitation or counterfeit of a seal used by the Meat and Milk Inspector in the inspection of milk or cream, or to change or tamper with the samples taken or sealed by the said Inspector. (Act approved March 7, 1903, § 20.) (8th Sess. Chap. 120.)

1534. **Interference with inspector.**—It shall be unlawful for any Meat or Milk Inspector, his servant or agent, to wilfully obstruct or assist in the violation of the provisions of this Act, or whoever hinders, obstructs or interferes with the Meat and Milk Inspector, or his servant or agent, in the performance of his duty, shall be guilty of a misdemeanor. (Act approved March 7, 1903, § 20.) (8th Sess. Chap. 120.)

1535. **Sale of milk from contaminated sources prohibited.**—The Inspector shall prohibit the sale of milk by any person, persons, company or corporation supplying milk or cream or dairy products from cows that are permitted to drink contaminated or unwholesome water, of any character whatsoever. (Act approved March 7, 1903, § 20.) (8th Sess. Chap. 120.)

1536. **Rules and regulations.**—The President and Secretary of the State Board of Health and the State Veterinarian, are

hereby empowered to establish any further rules and regulations necessary for the efficient management and carrying out of said inspection, and the regulations of the Inspectors themselves. (Act approved March 7, 1903, § 2.) (8th Sess. Chap. 120.)

1537. **Appropriations for apparatus.**—There is hereby appropriated the sum of One Thousand Dollars (\$1,000.00) for the purpose of buying such chemical and other apparatus as may be absolutely necessary for the purpose of each Inspector in the chemical examination of meat and milk together with buying and supplying such inspectors with the necessary record books, tags, labels, brands or marks, designated by the State Veterinarian, to be paid for on approval of said Board out of the said funds. Said apparatus shall be purchased by the President and Secretary of the State Board of Health and State Veterinarian, and be supplied to each County Meat and Milk Inspector, **provided**, that no money shall be paid out of this fund, except on the approval of said Board, and for the purposes above mentioned. (Act approved March 7, 1903, § 22.) (8th Sess. Chap. 120.)

1538. **Penalties.**—Any person or persons, company or corporation, who violates any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than Five Dollars (\$5.00), nor more than Three Hundred Dollars (\$300.00), or imprisonment in the County Jail not less than ten, or more than ninety days, for each separate offense, or by both such fine and imprisonment, and the continuance of such offense for any day shall be deemed a separate offense. (Act approved March 7, 1903, § 23.) (8th Sess. Chap. 120.)

1539. **Oath of Office.**—Immediately after the appointment, and before taking office, each Inspector shall file with the Secretary of the State an oath of office, subscribed to by him, and a bond for a sum equal to his annual salary, for the faithful performance of his duty. Said bond shall be furnished with good and sufficient sureties, and be approved by the Secretary of State. (Act approved March 7, 1903, § 24.) (8th Sess. Chap. 120.)

1540. **Meat and milk inspector for cities. Appointment.**—The office of Meat and Milk Inspector is hereby created for cities having a population of 5,000 inhabitants or over within

the State of Montana, and immediately after the taking effect of this Act, such cities shall appoint a Meat and Milk Inspector whose compensation shall be borne by the said cities, and shall be such as will secure the services of some competent and qualified person who shall take an oath of office to faithfully perform the duties of his office and to execute an official bond to the said city in the sum of \$5,000. No person shall be appointed to the office of Meat and Milk Inspector unless he is a graduate in good standing of some regular and reputable veterinary medical college, recognized by the American Veterinary Medical Association and admitted to practice within the State of Montana, and before such appointment he shall be required to exhibit his diploma as such graduate. (Act approved March 14th, 1901, § 1.) (7th. Sess. 66-67.)

1541. Designation of place of slaughter. Method of inspection.—It shall be the duty of the city council of all cities having a population required by this act to designate some place or places in or adjacent to the city where the cattle, sheep or swine, or other domestic animals intended for slaughter, sale and consumption for food in said city shall be brought for inspection on the hoof or where the meat of any such animal or animals shall be brought for inspection, which inspection shall be made without any unreasonable delay, and no fee or charge shall be made against or demanded of the owner or person who shall present any such animal or animals or meat intended for food for such inspection, but the same shall be inspected free of any expense whatever to the owner of said food animals intended for meat or on account of the services of such inspector. And it is hereby made the duty of such inspector to keep a correct record in a suitable and substantial book provided by the municipality for that purpose in which he shall record the name, place of residence and post office address of the owner or owners of all such animals intended for food and the carcasses or part of carcasses presented for inspection, together with brands and marks and a full description thereof. The rules, regulations and methods of inspection adopted by the Bureau of Animal Industry, conducted by the United States Government, shall be taken as the standard of meat inspection and shall be followed as closely as may be consistent by the Meat and Milk Inspectors appointed by the said cities. (Act approved March 14th, 1901, § 2. (7th Sess. 67.)

1542. **Certificate of inspection.**—All animals intended to be slaughtered for meat for human consumption shall be examined both before and after slaughter. The carcasses of all animals so inspected on hoof shall be properly tagged and marked with the official tag or mark of such municipality before being offered for sale, and such carcass or parts of carcass of any of the animals mentioned in this Act where the animals shall not have been presented for inspection on hoof before being slaughtered shall be inspected before being offered or exposed for sale, and such carcass or carcasses or meat as shall be found upon inspection and examination to be wholesome and fit for food shall be marked as above mentioned by the inspector with a tag similar in form and character to that used by the Bureau of Animal Industry, Department of Agriculture, which tag shall be adopted and designated by the city council of such municipality as the city stamp or certificate for the designation of wholesome and healthy meat. **Provided,** that nothing herein contained shall be so construed as to prevent any person from slaughtering any healthy animal the meat of which is intended for his own use or that of his family, but shall not be offered for sale for public consumption. **Provided, further,** however, that nothing in this Act shall be so construed as to permit any person to slaughter and offer for sale any meat or meats intended for domestic consumption before being inspected on the hoof, except where such slaughter may be conducted in a locality inaccessible to said municipal meat and milk inspector. (Act approved March 14th, 1901, § 3.) (7th Sess. 67-8.)

1543. **Inspection of meat intended for sale.**—It shall be the duty of the inspector to make inspection of the meats, carcasses and animals mentioned in this Act which may be presented for inspection at the place or places designated by the municipal council and keep the records aforesaid in the manner herein provided, which inspection or inspections shall be made by him as soon as possible and without unreasonable or unnecessary delay and he shall attach to all such meats so inspected and examined and found suitable and wholesome and fit for consumption a tag such as is prescribed above, indicating that fact. (Act approved March 14th, 1901, § 4.) (7th Sess. 68.)

1544. **Right to condemn unfit articles.**—The Meat and Milk Inspector appointed by said cities shall have the right to con-

demn any meat, carcass or carcasses, or parts thereof, of all cattle, sheep, swine or other domestic animal intended for food which they find after examination to be unfit for food, and it shall be said inspector's duty to destroy all such condemned meat by slashing said meat and muscular tissue deeply in numerous places with a knife, into which he shall then pour sufficient kerosene to taint such meat and make it impossible to be used for human consumption. (Act approved March 14th, 1901, § 5. (7th Sess. 68-9.).

1545. **Sale of diseased articles prohibited.**—It shall be unlawful to sell or offer for sale, buy or offer to buy, take or give away for the purpose of food, any animal suffering from hog cholera, swine plague, charbon, or anthrax, rabies, malignant epizootic, catarrh, pyaemia and septocaemia, mange or scab in advanced stages; advanced stages of actinomycosis or lumpy jaw, inflammation of the lungs, the intestines or the peritoneum; Texas fever; extensive or generalized tuberculosis; animals in advanced stage of pregnancy or which having recently given birth to young; any disease or injury causing elevation of temperature or affecting the system of the animal to a degree which would make the flesh unfit for human food; any organ or part of the carcass which is badly bruised or affected by tuberculosis, actinomycosis, cancer, abscess, suppurating sore or tape worm cysts; animals too young and immature to produce wholesome food; animals too emaciated and anaemic to produce wholesome meat; distemper, glanders and farcy or any other malignant disorder; acute inflammatory lameness and extensive fistula. (Act approved March 14th, 1901, § 6.) (7th Sess. 69.)

1546. **Penalty for selling without inspection.**—Any person or persons, company or corporations which shall sell or offer for sale, buy or offer to buy, take or give away, within the limits of said city any carcass or carcasses or portion thereof of any cattle, sheep or swine or other domestic animal which has not been inspected and tagged as herein required, except as herein stated, or shall violate any of the provisions of this Act, shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine of not less than \$50 nor more than \$500 for each separate offense. (Act approved March 14th, 1901, § 7.) (7th Sess. 69.)

1547. **Act not to interfere with federal inspection.**—Noth-

ing in this act nor any paragraph thereof shall be so construed as to interfere with the offering for sale of any meats bearing a stamp or tag indicating that the same has been inspected by the United States Bureau of Animal Industry or of any state, county or municipal meat inspector where regulations equal to those prescribed herein are observed. **Provided, however,** that if there is any reason to believe that such meat is in a putrid, decaying or unwholesome condition, it shall be said municipal meat and milk Inspector's duty to inspect such meat whenever complaint is made to him relative thereto, and should he find such meat in a putrid, decaying or unwholesome condition, it shall then be his duty to destroy such meat as is herein provided. (Act approved March 14th, 1901, § 8.) (7th Sess. 69-70.)

1548. **Inspection of dairies.**—And it shall be the duty of said Meat and Milk Inspector to inspect each dairy supplying milk to such municipality, not less than once in every month of the calendar year. And it shall be the duty of such Inspector to issue to each person or persons or corporations supplying milk to the citizens of such municipality a certificate of health every ninety days, which certificate of health shall include a certificate of the sanitary conditions of said dairy and must specify each and every cow within said dairy from which milk is supplied to the public. (Act approved March 14th, 1901, § 9.) (7th Sess. 70.)

1549. **Dairymen. Penalties.**—It shall be a misdemeanor for any dairyman, person, persons, or corporation to feed unwholesome food of whatsoever character and for each offense the owner or owners of such dairy shall be fined not less than \$50 nor more than \$500. Each dairyman, person, persons or corporation supplying milk to the public must have for each cow a certificate of health, including the tuberculin test made by said inspector, stating that said cow is free from tuberculosis or consumption or any infectious or other diseases whatsoever. Any dairyman having in his own family or among his employes, or about his premises any one suffering from diphtheria, scarlet fever, typhoid fever or any infectious or contagious disease that may or might contaminate said milk, is prohibited from selling said milk to the public for such period as such disease or diseases exist in his or her family or among his or her employes and said inspector has satisfied himself that such prem-

ises have been thoroughly disinfected and has issued a certificate so stating. (Act approved March 14th, 1901, § 10.) (7th Sess. 70.)

1550. Tests of milk.—The milk supplied by said dairies or purveyors of milk, shall not contain less than three percentum of butter fats or less than twelve per centum of total of milk solids, and shall come up to a normal and accepted specific gravity test for milk, not less than 1025. (Act approved March 14th, 1901, § 11.) (7th Sess. 70-1.)

1551. Prohibiting sales from unclean vessels.—When, in the belief of the said meat and milk inspector proper cleanliness of the buckets, pans, cans, and other utensils used about, accumulating, handling and marketing of said milk is not up to the proper standard, it shall be the inspector's duty to prohibit said dealer, person or persons or corporations, from selling milk until such time as proper methods of cleanliness and precaution are used in its handling. (Act approved March 14th, 1901, § 12.) (7th Sess. 71.)

1552. Duty of dairymen to keep premises clean.—All persons or corporations engaging in the dairy business and supplying milk to the citizens of said municipalities shall keep their barns and stables free from filth or rubbish or manure likely to harbor or favor the growth of disease producing germs within or about their stables likely to be carried within said milk. (Act approved March 14th, 1901, § 13.) (7th Sess. 71.)

1553. Duties of inspector to test milk offered for sale.—It shall be the duty of said inspector to stop at any time he may deem fit any dairy wagon, cart, or vehicle of any character, person, or persons hauling, carrying or conveying milk that is intended for public consumption, and there and then take cognizance of any irregularity in such milk or the method of handling or distributing said milk. He shall ascertain if it is not up to the regular standing, or the recognized standard to which milk should come, and if he finds said milk deficient in any of its nutritive qualities or to contain any drug or preservative or coloring matter or other extraneous matter, he shall there and then condemn such milk; and such dairyman or milkman, or person or persons or corporation whos product shall be condemned shall be prohibited from selling any milk until they shall have received a written permit from said inspector permitting him so to do. **Provided,** that such inspector shall, if

requested by such dairyman, take from the same can of milk from which he shall have taken any quantity of milk for the purpose of testing the same at least one pint of such milk, place the same in a bottle, adding sufficient formaldehyde to such milk to prevent fermentation and seal and mark such milk in such manner as to identify the same and deliver the same to such dairyman who may have said milk analyzed and tested by any chemist competent to analyze such milk in order that said dairyman may ascertain the correctness of the inspector's analysis of such milk. **Provided**, that at the time of taking such specimen for said dairyman and for said inspector a third specimen shall be taken by said inspector consisting of not less than one pint of said milk, which shall be taken from the same can from which the other specimens were taken which must be sealed in the presence of said dairyman, person, persons or agent and which said specimen shall be immediately forwarded to the Chemist of the Agricultural Experiment Station at Bozeman for analysis, and said chemist of said Agricultural Experiment Station shall in all cases, when so requested by said dairyman, person or persons or corporation act as umpire in said chemical analysis. (Act approved March 14th, 1901, § 14.) (7th Sess. 71-2.)

1554. **Duty to notify inspector of violation of act.**—Any resident of the State of Montana, to whose knowledge or observation comes the fact that any dairyman, person or persons or corporation is supplying milk from any diseased cattle, or cattle fed on stable bedding, stable refuse or other improper food of any character whatsoever, it shall be his duty to at once notify said inspector of such municipality who shall at once visit the premises or place indicated and if he finds the complaint to be true it shall then be the said inspector's duty to at once prohibit the further selling of the products of such dairy or dealer and at once file an information against said dairyman, person, persons, corporation or dealer in the nearest court. (Act approved March 14th, 1901, § 15.) (7th Sess. 72.)

1555. **To what products act is applicable.**—This act shall apply to all the products of the dairy in any municipality to

which this Act applies where sold in the state, county or any municipality to which the district covered by said inspector belongs. (Act approved March 14th, 1901, § 16. (7th Sess. 72.)

1556. **Adulteration of milk.**—It shall be a misdemeanor to adulterate milk in any manner whatsoever in a way likely to produce an unwholesome change in said milk, or disease to the consumer, and such milk shall be prohibited from exposure to sale, and any violation of this section shall be a misdemeanor and be punished as is herein mentioned within the meaning of this Act. The use of any product or any unnatural method whatsoever for the preservation or changing of milk excepting pasteurizing or sterilization, shall be a misdemeanor and be punished as is provided for in this Act. (Act approved March 14th, 1901, § 17.) (7th Sess. 73.)

1557. **What cities may adopt act.**—Any City in the State of Montana having a population of less than 5,000 inhabitants shall have the option of adopting the sanitary provisions of this Act. **Provided, however,** that it shall be unlawful to offer for sale, take or give away any meat from a diseased animal coming under the provisions of this act or any milk from a diseased cow or adulterated or chemically preserved milk or milk containing any extraneous substance within the provisions of this act within the State of Montana. (Act approved March 14th, 1901, § 18.) (7th Sess. 73.)

1558. **Penalty for violation.**—Any violation of the provisions of this Article shall be a misdemeanor and shall be punished by a fine of not less than \$50 nor more than \$500 for each separate offense. (Act approved March 14th, 1901, § 19.) (7th Sess. 73.)

STATE VETERINARY SURGEON.

1836. **Appointment and qualifications of state veterinary surgeon.**—The Governor is authorized to nominate, and, by and with the consent of the Senate, appoint a competent Veterinary Surgeon, who shall be known as the "State Veterinary Surgeon," and who shall hold his office for a term of four years, and until his successor, shall be appointed and qualified, unless he be sooner removed for cause, and who must, before entering upon the performance of his duties, execute a bond in the sum of five thousand dollars, and take and subscribe the oath of

office prescribed by the constitution. The person so appointed must be a graduate in good standing of some recognized, regular and reputable Veterinary College, or Veterinary Department of a regular and reputable university; must be legally qualified to practice in the State of Montana, and must have had at least five years' continuous practical experience in his profession, and his selection must be based upon competency and efficiency alone. (Act approved March 7, 1907, § 1.) (10th Sess. Chap. 160.)

1837. Duties of state veterinary surgeon.—The duties of the State Veterinary Surgeon are:

1. To investigate all cases of infectious or contagious diseases among cattle, horses, mules, asses, sheep, goats, swine and all other domestic animals in this State, of which he may have a knowledge, or which may be brought to his notice, and in the absence of specific information, to make visits of inspection to any locality, where he may have reason to suspect that there is any infectious or contagious disease.

2. To inspect, under the regulations of this Article, all such animals which may be brought into this State, in any manner whatever, from or through such state or territory or foreign country, as the Governor may declare by proclamation, must be held in quarantine, for the purpose of inspection.

3. To inspect, under the regulations of this Article, all such animals in this State, or that may be brought into this State, in any manner whatever, from any other State, territory or foreign country.

4. To quarantine any premises, in which animals affected with any infectious or contagious disease are, or have been kept, and to quarantine such animals, which are affected with or have been exposed to any infectious or contagious disease, and to define the limits within which they must be kept, the time they shall be detained, and the conditions on which they shall be released therefrom.

5. For the purpose of making such inspection, or performing any of his duties, he has authority to enter any enclosure, corral, car, shed, barn, stable or other building, in which animals are, or have been kept. (Act approved February 27, 1905.) (9th Sess. Chap. 38.)

1838. (§ 3002.) Owners must notify veterinary surgeon.—After the making of such proclamation the owner, or person

in charge, of any animals, arriving in this state from or through any state, territory, or foreign country, against which quarantine has been declared, must notify the state veterinary surgeon without delay, and must not allow such animals to leave the place of arrival until they have been examined by the veterinary surgeon, and his certificate obtained that all such animals are free from disease; and no animals pronounced unsound from disease by the veterinary surgeon, must be turned loose, or allowed to run at large, or removed or permitted to escape, but must be held subject to the order of the veterinary surgeon. Any person failing to comply with the provisions of this section is punishable as provided in Section 8447 (11174) of the Penal Code, and is liable for any damage and loss that may be sustained by any person by reason of the failure of such owner to comply with the provisions of this section.

1839. (§ 3003.) **Exceptions.**—The owner of such animals, ridden under the saddle or driven in harness into this state, or under yoke, and any person coming into this state with his own team or teams, is not required to notify the veterinary surgeon, or await the inspection of the animals, but he is liable for all loss or damage to any person by reason of any contagious or infectious disease brought into the state by his animals; and no such animals must be held in quarantine for a longer period than ninety days, unless contagious or infectious disease is found to exist among them.

1840. (§ 3004.) **Quarantine, when ordered.**—In all cases of contagious or infectious disease among domestic animals or Texas cattle in this state, the veterinary surgeon has authority to order the quarantine of the infected premises, and in case such disease becomes epidemic in any locality in this state, the veterinary surgeon must immediately notify the governor, who must thereupon issue his proclamation forbidding any animal of the kind among which said epidemic exists to be transferred from said locality without a certificate from the veterinary surgeon showing such animal to be healthy. The expenses of holding, feeding and taking care of all animals quarantined under the provisions of this article, must be paid by the owner, agent or person in charge of such animals.

1841. (§ 3005.) **To order diseased animals slaughtered.**—In case of any epidemic disease where premises have been previously quarantined by the veterinary surgeon, as before pro-

vided, he is further authorized and empowered, when in his judgment necessary, to order the slaughter of any and all such diseased animals upon said premises, and all such animals as have been exposed to contagion or infection, under the following restrictions: The order must be a written one, and must be made in duplicate, and there must be a separate order and duplicate for each owner of the animals condemned, the original of each order to be filed by the veterinary surgeon with the secretary of state, and the duplicate given to the owner. Before slaughtering any animal that has been exposed only, and does not show disease, the veterinary surgeon must call in consultation with him two practicing veterinary surgeons or physicians, residents of the state, or if this is impossible, then two stock owners, residents of the state, and he must have written indorsements upon his order of at least one of the consulting persons, stating that such action is necessary before the animal is slaughtered.

1842. (§ 3006.) **Appraisers as to value.**—Whenever, as in this article provided, the veterinary surgeon orders the slaughter of one or more animals, he must at the time of making such order notify in writing the nearest available justice of the peace, who must thereupon summon three disinterested citizens, who are stock owners in the neighborhood, to act as appraisers of the value of the animal. The appraisers before entering upon the discharge of their duties, must be sworn to make a true and faithful appraisal without prejudice or favor. They must, after making their appraisal, return certified copies of their valuation, a separate one being made for each owner, together with an accurate description of each animal slaughtered (giving all brands, ear-marks, wattles, age, sex, and class, as to whether American or half-breed or Texan), to the justice of the peace by whom they were summoned, who must, after entering the same upon his record and making an indorsement upon each, showing it to have been properly recorded, return it together with a duplicate order of the veterinary surgeon, to the person owning the animal slaughtered; and it is the duty of the veterinary surgeon to superintend the slaughter of such animals as may be condemned, and also the destruction of the carcass, which latter must be by burning to ashes, or burying in the earth to a depth of not less than six feet, and which must include every part of the animal and

hide, and also excrement as far as possible. If the owner of any animal found diseased by the veterinary surgeon is killed, or consent to its being killed by the veterinary surgeon without appraisement, then the veterinary surgeon must burn or bury it as herein provided.

1843. (§ 3007.) **Reports of veterinary surgeon.**—The veterinary surgeon must make an annual report on or before the first day of October to the state board of stock commissioners of all matters connected with his work, and the board must make the same a part of their annual report to the governor and they must also transmit to the several boards of county commissioners such parts of the report as they consider necessary and of general interest to the breeders of live stock. The board must also give information in writing as soon as it is obtained to the governor and to the various boards of county commissioners, of each case or supposed case of disease in each locality, the cause, if known, and the measures adopted to check it.

1844. (§ 3008.) **Importation, when prohibited.**—Whenever the governor has good reason to believe that any disease mentioned in this article has become epidemic in certain localities in another state or territory, or that conditions exist that render domestic animals and Texas cattle likely to convey disease, he must by proclamation, designate such localities, and prohibit the importation therefrom of any live stock of the kind diseased into this state, except under such restriction as he, after consultation with the veterinary surgeon, may deem proper. Any person who, after the publication of such proclamation, knowingly receives in charge any animal from any of the prohibited districts, and transports or conveys the same within the limits of this state, is punishable as provided in § 8448 (1175) of the Penal Code, and is further liable for any and all damages and loss that may be sustained by any person by reason of the importation or transportation of such prohibited animals.

1845. (§ 3009.) **Persons to report contagious diseases to veterinary surgeon.**—It is the duty of any person who has upon his premises, or upon the public domain, any case of contagious or infectious disease among such animals, to immediately report the same to the veterinary surgeon, and a failure so to do or any attempt to conceal the existence of such disease, or to

wilfully or maliciously obstruct or resist the veterinary surgeon in the discharge of his duty, is punishable as prescribed in § 8449 (1176) of the Penal Code, and forfeits all claims to indemnity for loss from the state.

1846. (§ 3010.) **Diseased animals not to be sold or slaughtered for food.**—The following regulations must be observed in all cases of disease mentioned in this article:

1. It is unlawful to sell, give away, or in any manner part with, any animal affected with, or suspected of being affected with, contagious or infectious disease; and in case of any animal that may be known to have been affected with or exposed to any such disease, within one year prior to such disposal, due notice of the fact must be given in writing to the party receiving the animal.

2. It is unlawful to kill for the purpose of selling the meat, any such animal, or to sell, give away or use any part of it, or its milk, or to remove any part of the skin. A failure to observe these provisions is punishable as provided in § 8449 (1176) of the Penal Code. It is the duty of the owner or the person having in charge any such animal affected with, or suspected of being affected with, any contagious or infectious disease, to immediately confine the same in a safe place, isolated from other animals, and with all necessary restrictions to prevent dissemination of the disease, until the arrival of the veterinary surgeon. These regulations apply as well to animals in transit through the state as to those resident therein; and the veterinary surgeon or his duly authorized agent, has authority to examine, in car, yard, pastures or stables, or upon the public domain, all such animals, and on detection of disease, to take possession of, and treat and dispose of the animals in the same manner as provided by this article.

1847. (§ 3011.) **Payment for diseased animals killed.**—All claims arising from the slaughter of animals, under the provisions of this article, together with the order of the veterinary surgeon, and the valuation of the appraisers in each case, must be submitted to the state auditor, and for each claim that he finds to be equitable and entitled to indemnity under this article, must issue to the person entitled thereto, his warrant on the stock indemnity fund in the state treasury for the sum named in the appraisers' report. In auditing any claim under this article, the auditor must satisfy himself that it does not

come under any class for which indemnity is prohibited by this article, and he must require the affidavit of the claimant to this fact, or if the claimant be not cognizant thereof, then of some reputable person who is cognizant thereof; and also the certificate of the veterinary surgeon, whose duty it is to inform himself fully of the fact, that in his opinion the claim is legal and just, and the auditor may, in his discretion, require further proof.

1848. (§ 3012.) **Payment of indemnity.**—The indemnity granted is the value of the animal as determined by the appraisers with reference to its diminished value because of being diseased or having been exposed to disease. The indemnity must be paid to the owner upon his application and the presentation of the proofs prescribed herein, and such application must be made within six months after the slaughter of the animal, or the claim is barred. The right to indemnity under this article is limited to animals destroyed by reason of the existence of some epizootic disease generally fatal and incurable, such as rinderpest, hoof and mouth disease, pleuro-pneumonia, anthrax or Texas fever, among bovines, and glanders among horses, mules and asses. For the ordinary contagious diseases, not in their nature fatal, such as epizootic and influenza in horses, no indemnity must be paid. The right to indemnity does not exist, and the payment of such must not be made in the following cases:

1. For animals belonging to the United States.
2. For animals that are brought into the state contrary to the provisions of this article.
3. For animals that are found to be diseased, or that are destroyed because they have been exposed to disease before or at the time of their arrival in the state.
4. When an animal was previously affected by any other disease, which, from its nature and development, was incurable and necessarily fatal.
5. When an owner or person in charge has knowingly or negligently omitted to comply with the provisions of § 1845 (3009) and 1846 (3009) and 1846 (3010) of this article.
6. When an owner or claimant, at the time of coming into possession of the animal, knew it to be diseased or received the notice specified in the first clause of § 1846 (3010), of this article.

7. When the animal has been brought into the state within ninety days immediately preceding the outbreak of disease, on account of which such animal was killed. (Act approved March 7, 1895.)

1849. **Salary and expenses of state veterinary surgeon.**—The State Veterinary Surgeon shall receive an annual salary of three thousand dollars, together with his actual and necessary traveling and office expenses, and must devote his entire service to the duties of his office, and he must be authorized to appoint a stenographer at a salary not exceeding twelve hundred dollars per annum. (Act approved March 7, 1907, §2.) (10th Sess. Chap. 160.)

1850. (§ 3014.) **Fees of appraisers and others.**—The appraisers mentioned in this article receive three dollars for each day or part of a day they are actually employed, which must be paid from the state treasury out of the stock indemnity fund in this article provided, upon vouchers which bear the certificate of the justice who summoned them. The justice receives his ordinary fee for issuing a summons, to be paid out of the stock indemnity fund. The persons called in consultation by the veterinary surgeon each receive three dollars for each day or part of a day they are actually employed and ten cents per mile, for distances actually traveled, which sums must be paid from the state treasury out of the stock indemnity fund upon vouchers certified to by the veterinary surgeon. The incidental expenses in causing animals to be slaughtered and their carcasses to be burned and disinfecting infected premises, must be paid from the state treasury out of the stock indemnity fund, upon vouchers.

1851. (§ 3015.) **Liability of animals destroyed.**—The liability for indemnity for animals destroyed and for fees, costs and expenses incurred under the provisions of this article in any year is limited by, and must in no case exceed, the amount especially designated for the purpose and for that period, by the terms of this article; nor must the veterinary surgeon or any one else incur any liability under the provisions of this article in excess of the surplus in the stock indemnity fund hereinafter provided; nor must any act be performed or property taken under the provisions of this article become a charge against the state.

1852. (§ 3017.) **Place of quarantine.**—The veterinary sur-

geon must select the place where stock must be quarantined.

1853. **Deputy veterinary surgeon.**—The Veterinary Surgeon has power to appoint from time to time one deputy at any time he cannot personally attend to all the duties required by his office at a salary not to exceed five dollars per day for each day actually employed, together with his actual and necessary traveling expenses, to be paid out of the stock indemnity fund. (Act approved March 16th, 1901.) (7th Sess. 129.)

REGULATIONS FOR THE PROTECTION OF THE SHEEP INDUSTRY.

1854. **Board of sheep commissioners. Constitution and appointment of board.**—The Governor of the State of Montana is hereby directed and empowered to appoint a Board of Sheep Commissioners consisting of one member of each of the counties of the State, which appointment shall be made with the consent of the Senate, when in session. The members of said Board, before entering upon their duties, shall take the oath of office prescribed by the Constitution, which oath of office must be filed in the office of the Secretary of State. (Act approved February 28, 1905, § 2.) (9th Sess. Chap. 45.)

1855. **Qualification of members. Term of office.**—Each member of said Board shall be an actual resident of the County for which he is chosen, and an owner of sheep within the State, or directly interested therein, and must, during his term of office, reside within such county. The members of said Board shall hold office for a term of two years, and until their successors are appointed and qualified, and in case of vacancy in said Board from death, resignation or otherwise, the Governor shall fill such vacancy by appointment. (Act approved February 28th, 1905, § 2.) (9th Sess. Chap. 45.)

1856. **Organization of board of sheep commissioners.**—The board must organize by electing one of its members or some sheep owner of the State as president, and one of its members as vice president, and appointing a competent person as secretary, which secretary shall receive such compensation as may be allowed by said board. The members of the board shall receive actual expenses incurred by them in the performance of their duties, but shall receive no other compensation for their services, except as inspectors or deputy inspectors, or protecting the sheep industry as may be prescribed by the

rules of the board. Five members shall constitute a quorum for the transaction of business. It shall be the duty of the vice-president to act as president in the absence of the president from the state, or from a meeting. (Act approved March 8, 1907, § 2.) (10 Sess. Chap 173.)

1857. **Inspection districts. Duties of board.**—The Board may divide the State into suitable districts for inspection purposes and provide for and appoint Inspectors and Deputy Inspectors, when necessary. It shall be the duty of the Board to exercise a general supervision over the sheep industry of the State, and to do all acts that, in their judgment, will foster and develop said industry, and protect the same from theft and disease, and shall devise and recommend from time to time, such legislation as, in their judgment, will foster and develop said industry. The Board may employ all proper and lawful means to procure the attendance of witnesses before it, and may employ attorneys to advise the Board and to assist in the prosecution of any person or persons guilty of any offense against any of the laws and interests of sheep owners, and the protection and fostering of the sheep industry. The Board shall have power to make rules and regulations for its own government, and for the guidance and direction of Sheep Commissioners of each county and the Inspectors, and may convene whenever necessary, provided that there shall be at least one meeting of said Board each year. The duties of the Secretary shall be such as may be prescribed by the Board. (Act approved February 28, 1905, § 4.) (9th Sess. Chap. 45.)

1858. **Expenses.**—It is the duty of the Board, to audit all bills for expenses incurred in the protection or fostering of the sheep industry, under the provisions of this Act, and if found correct, to certify the same to the State Auditor, who shall present the same to the State Board of Examiners, and when approved by said Board, he shall draw a warrant on the State Treasury in favor of the person or persons entitled to such compensation or reimbursement, in the sum so certified and approved, payable out of the "Sheep Inspection and Indemnity Fund." (Act approved February 28, 1905, § 5.) (9th Sess. Chap. 45.)

1859. **Annual report.**—The Board must make an annual report in writing, to the Governor, on or before the 20th day of December in each year. Such report must give a complete

statement of the transactions of the Board during the year, and a summary of the reports of the Sheep Inspectors. (Act approved February 28, 1905, § 6.) (9th Sess. Chap. 45.)

1860. **Appointment of inspectors.**—The Board of Sheep Commissioners, when in session, or when not in session, the President of said Board must, upon request of any organized wool growers' associations in the State, or of any three sheep owners in any county, or upon request of a State Veterinary Surgeon, appoint a capable person as Sheep Inspector for such county, who shall hold his office during the pleasure of the Board, or when the Board is not in session at the pleasure of the State Veterinary Surgeon, and the President of the Board, and must perform the duties hereinafter prescribed. The Sheep Commissioners of each County may recommend a suitable person for Inspector. The Board of Sheep Commissioners, or when the Board is not in session, the President thereof, or the State Veterinary Surgeon, may when deemed necessary, appoint one or more special Inspectors, who shall make and file the same oath, perform the same duties, and have the same power and authority as Inspectors. The Sheep Commissioner of any county may be appointed Inspector, or Special Inspector, and when acting as such Inspector, or Special Inspectors, shall be entitled to the same compensation as Inspectors. (Act approved February 28, 1905 § 7.) (9th Sess. Chap. 45.)

1861. **Qualifications and oath of inspectors.**—The Inspector need not be a resident of the county for which he is appointed. He must, before entering upon the duties of his office, take the oath of office prescribed by the Constitution, which oath of office shall be filed with the Secretary of State. The Board of Sheep Commissioners, or when the Board is not in session the President of said board, or the State Veterinary Surgeon, may request an Inspector of one county to go to another county and perform the duties of Inspector therein, or to assist the Inspector of such County, and when appointed to assist an Inspector, the Inspector of that county shall have general supervision and control over the work to be performed. (Act approved February 28, 1905, § 8.) (9th Sess. Chap. 45.)

1862. **Enforcement of quarantine.**—The Board of Sheep Commissioners, and when the Board is not in session, the President of said Board, or the State Veterinary Surgeon, may employ persons to take charge of all diseased sheep when in

quarantine or otherwise, upon refusal of owners to take proper care and to assist the Sheep Inspector, and the person so employed shall be under the supervision and control of the Sheep Commissioner and Inspector of that county. (Act approved February 28, 1905, § 9.) (9th Sess. Chap. 45.)

1863. **Duties of inspectors.**—The Inspector must inspect all sheep within his county, which he may have received notice or information are affected with, or have been exposed to any infectious or contagious disease, and in case he finds the same are not so diseased, or exposed, he must make and issue a certificate, stating such facts; but if the sheep are affected with or have been exposed to any infectious or contagious disease, they must be quarantined, and the regulations for their quarantine holding and keeping must be at once made by such Inspector, each Inspector so appointed must personally supervise the dipping of, or otherwise treating of all scabby or diseased sheep within his county, and appoint the date for each and every dipping. He has the right with the advice and consent of the State Veterinary Surgeon, to determine and superintend the preparation and mixture of material used in dipping the sheep, and must cause all sheep so quarantined to be distinctly marked with a red letter "S" on the right side. In the discharge of his duties, the Inspector shall, so far as practicable, comply with the instruction, rules and regulations prescribed by the State Veterinary Surgeon, and the Board of Sheep Commissioners. All sheep dipped shall be held in quarantine at least ninety days after the last dipping, or until released therefrom by the Inspector upon the order of the State Veterinary Surgeon. (Act approved February 28, 1905, § 10.) (9th Sess. Chap. 45.)

1864. **Quarantine of infected sheep.**—Upon receipt of information of any of the facts mentioned in the preceding Section, or that any sheep within his County are affected with or have been exposed to any infectious or contagious disease, the Inspector must immediately cause such sheep, and all sheep running in the same flock, or upon the same contiguous range with them, to be examined, and if found so diseased or exposed to disease, to be quarantined and held within a certain limit or place, to be designated by him, and such sheep must be held in quarantine until the owner or person in charge, or the Inspector has eradicated such scab or other infectious disease,

and the Inspector issues a certificate stating such facts and releasing such sheep from quarantine. When sheep infected with, or which have been exposed to, any infectious or contagious disease, have been kept in any building or corral, the Inspector must inspect and quarantine such premises, and prohibit any sheep being placed therein until such premises have been cleaned and thoroughly disinfected, which must be attended to within ten days from date of quarantine. (Act approved February 28, 1905, § 11.) (9th Sess. Chap. 45.)

1865. **Quarantine of infected premises and diseased animals.**—In all cases of scab, or other infectious or contagious disease among sheep in this state, the state veterinary surgeon, deputy state veterinary surgeon, or inspector, has authority to order a quarantine of the infected premises and diseased animals, or animals exposed to such disease, and to define the limits within which such sheep must be kept, and to prohibit any other animals from being driven into or across or kept within such quarantine limits; **Provided**, that in all cases sheep shipped into this State must be quarantined separately, and in no case shall foreign sheep be mixed or quarantined on the same area with native sheep, and all native sheep must be quarantined within the limits of their accustomed ranges and in case such disease becomes enzootic or epizootic in any locality in this state, the president of the board of sheep commissioners, or the state veterinary surgeon, or the inspector must immediately notify the governor of the state, who must, thereupon issue his proclamation, forbidding any sheep to be transferred from such locality without a certificate from the state veterinary surgeon or inspector, showing such sheep to be free from any infectious or contagious disease, and forbidding all persons from driving any other sheep into or across such locality, or keeping them or herding them therein. Any sheep going or being driven into or across such prohibited locality or quarantine premises, shall be deemed exposed to such infectious or contagious disease, and may be declared and detained in quarantine, and if deemed necessary by the state veterinary surgeon or inspector may be dipped. (Act approved March 8, 1907, § 3.) (10th Sess. Chap. 173.)

1866. **Governor may prohibit importation of sheep from infected districts.**—Whenever the Governor has reason to believe that any of the diseases mentioned in this Article or any infec-

tious or contagious diseases has become enzootic or epizootic in certain localities in any other state or territory, or that conditions exist that render sheep likely to convey disease, he must thereupon by proclamation designate such localities, and prohibit the importation from them of any sheep into this State, except under such restrictions as he, after consultation with the President of the Board of Sheep Commissioners or State Veterinary Surgeon, may deem proper. Any person, who, after publication of such proclamation, knowingly receives in charge any such sheep from any of the prohibited districts, or transports or conveys the same to and within the limits of any of the counties of this State, is punishable, as hereinafter provided, and is liable for all damages, which may be sustained by any person, by reason of the importation, transportation, or reception of such prohibited sheep. (Act approved February 28, 1905, § 13.) (9th Sess. Chap 45.)

1867. **Duty of importers of sheep to notify state veterinary surgeon.**—Upon the issuing of a proclamation by the Governor, imposing restrictions upon the importation of sheep from any other country, state or territory, the owner or person in charge of sheep being shipped or driven into the State of Montana from any country, state or territory against which quarantine has been declared must forthwith notify, by telegraphic dispatch, the State Veterinary Surgeon at Helena, Montana, stating from what country, state or territory said sheep are being shipped or driven, the number thereof, and where they will first arrive in this State or be unloaded. (Act approved February 28, 1905, § 14.) (9th Sess. Chap. 45.)

1868. **Inspection of sheep in transit.**—Whenever the state veterinary surgeon receives the notice mentioned in the preceding section, or obtains knowledge that any sheep have been, or are about to be shipped or driven from any state or territory to this state, he shall immediately notify the inspector of the county into which such sheep shall first come or be unloaded; and it shall be the duty of the said inspector to inspect said sheep immediately upon their arrival within this county, and make such order, and take such action with reference thereto as he may deem necessary, as provided in section 1871 (18) of this act. Whenever any inspector receives notice or information that any sheep have been, or are about to be shipped or driven into this state from any state or territory,

it shall be his duty to at once notify the state veterinary surgeon. When any sheep are delivered to any railroad or transportation company, for shipment to this state, as the point of destination, it shall be the duty of such railroad company to notify the state veterinary surgeon, by telegraph, the date of said shipment, the name of the place from which they are shipped, the point of destination, the name of the consignor and the consignee, and the probable date of the arrival of said sheep at the state line of Montana; and when any sheep are billed to be shipped to the state, and afterwards the point of destination is changed to some place within this state, it shall be the duty of the railroad or transportation company, upon receiving a request to change the point of destination, to notify the state veterinary surgeon by telegraph giving the name of the consignor and consignee, and the point of destination to which the shipment is changed. (Act approved March 8, 1907, §4.) (10th Sess. Chap. 173).

1869. **Payment of expenses for inspection and caring for diseased animals.**—The expenses of inspecting, feeding, holding, dipping, treating, marking, and taking care of all sheep inspected, quarantined, dipped, or otherwise treated under the provisions of this act, including the fees and expenses of the inspector, on account of services rendered in connection with the same, must be paid by the owner, agent or person in charge of such sheep, and such charge shall be a lien upon such sheep for such charges and expenses, which lien shall be prior and paramount to any and all other demands, or other claims against such sheep, and the inspector may retain possession of such sheep until such charges and expenses are paid; but such lien shall not be dependent upon possession, and such lien may be foreclosed in the name of the inspector, by sale of the sheep or as many thereof as may be necessary to pay the same and costs of sale at public auction, on ten days' notice, given by posting notices thereof in three public places in said county, or such lien may be foreclosed by an action in any court of competent jurisdiction, or an action may, without foreclosing such lien, be maintained in any court of competent jurisdiction against the owners of such sheep to recover the amount of such charges and expenses; **provided, however,** that for inspecting and dipping sheep which have been within this state six months immediately preceeding such inspection, the fees and

expenses of the inspector for inspecting and superintending the dipping of such sheep, and all other fees, and expenses of such inspector, connected with such inspection and dipping of said sheep, shall be paid out of the sheep inspection and indemnity fund. (Act approved March 8, 1907, § 5.) (10th Sess. Chap. 173.

1870. **Duty of railroad company to notify state veterinary surgeon.**—It shall be the duty of the railroad or transportation company to notify the State Veterinarian of proposed shipments and their destination, as soon as said railroad or transportation company is notified by the shipper. In no case must any sheep affected with or having been exposed to any infectious or contagious disease, be removed, or allowed to be removed, from one point to another, within any county, or from one county to another in this state, without a written certificate from the state veterinary surgeon, or an inspector. It shall be unlawful for any railroad company or transportation company to ship sheep from one place to another, within this state, in cars in which other sheep have been shipped, until such cars have been cleaned and carefully disinfected, under the direction of the state veterinary surgeon, or an inspector, who shall give a certificate of such inspection, which shall accompany the shipment. It shall be the duty of every railroad company or transportation company, before cleaning or disinfecting any such care or cars, to give notice to the state veterinary surgeon, at Helena, Montana, at least five days before the cars to be so cleaned and disinfected; and it shall be the duty of the state veterinary surgeon, upon such notice being given, to inspect, or cause to be inspected by an inspector, on or before such date, such car or cars, so cleaned and disinfected, and to give the proper certificate therefor. It shall be the duty of every railroad or transportation company in this state to keep all yards, corrals, sheds or buildings in this state, used by such company for holding or feeding sheep in transit, and all cars used for shipping sheep, clean and free from infection from scab, or other infectious or contagious disease; and it shall be the duty of the state veterinary surgeon and inspector to inspect such yards, corrals, sheds, buildings and cars, when deemed necessary, and if the same are infected or exposed to infection from any infectious or contagious disease, to at once notify such company of such fact,

and declare such premises and cars in quarantine, and forbid any animals from being placed or kept therein, until the said premises and cars are disinfected; and it shall be the duty of the said company to cause said premises and cars to be thoroughly cleaned and disinfected, under the supervision of the state veterinary surgeon, and if he fails to do so within five days after such notice, the state veterinary surgeon or an inspector shall cause said premises and cars to be disinfected. The state veterinary surgeon and the inspector shall have authority to enter into all such cars, yards, corrals, sheds or buildings, for the purpose of inspecting or disinfecting the same. The fees and expenses of the state veterinary surgeon and the inspector, and all expenses incurred in inspecting and disinfecting such premises and cars, shall be a charge against such railroad or transportation company, and may be recovered in a civil action in any court of competent jurisdiction. The notice above mentioned may be served upon the agent or other officer in charge of the station, at which such yards, corrals, sheds, buildings, or cars are situated. (Act approved March 8, 1907, § 6.) (10th Sess. Chap. 173.)

1871. Duty of state veterinary surgeon to inspect.—Within five days previous to the arrival of any sheep into this State, from any other state or territory, the owner or agent in charge of such sheep must report by telegraphic dispatch, to the State Veterinary Surgeon, at Helena, Montana, stating from what country, state or territory such sheep are shipped or being driven from, the number thereof, and the place where they will first enter the State, and where it is intended to unload them, or, such notice may be given by registered mail, if mailed in time, so that in the ordinary course of mails it will reach the State Veterinary Surgeon's office five days before such sheep would reach the State, and the State Veterinary Surgeon shall, immediately on receipt of such notice, notify the Inspector of the county in which the sheep shall first come to be unloaded, and it shall be the duty of such Inspector to immediately inspect the same, and to make such order or orders for their quarantine, treatment and dipping as he may deem necessary. (Act approved February 28, 1905, § 18.) (9th Sess. Chap. 45.)

1872. Dipping of sheep temporarily in state.—Any sheep that are shipped or driven in this state, with the intention on

the part of the owner of holding them within the state longer than is necessary to feed them in transit, which feeding must be done in the railroad stockyards, corrals, or buildings, must be once quarantined and dipped under the supervision of the state veterinary surgeon or inspector, at the point of entry or unloading, or as near such point as may be deemed safe by the state veterinary surgeon or inspector in charge, without danger of scattering in sections, and when so dipped, shall be branded with a red letter "S" on the right side. After said sheep are so dipped and branded, they may be moved to the ranch or range where it is the intention of the owner to keep them, providing they can be moved to such ranch or range within ten days, when they must be dipped a second time; and when such sheep have been shipped or driven from any territory or locality in any other state or territory that is declared by the chief of the United States Bureau of Animal Industry to be free from such scab or other contagious or infectious disease, and are accompanied by a certificate from the Federal Inspector, acting under the authority of the chief of the United States Bureau of Animal Industry, setting forth that said sheep have been shipped or driven from a locality or territory free from scab or other contagious or infectious disease, and that such sheep were free from scab or other contagious or infectious disease at the time they were shipped or driven from such locality, the state veterinary surgeon may in his discretion, release said sheep from quarantine after the second dipping, **provided, however,** that all rams so imported must be dipped and treated as herein provided, and shall under no circumstances be released from quarantine within less than ninety days after the last dipping, and should said rams be allowed to run with other sheep before the expiration of ninety days, said sheep must be quarantined for a period which would complete the ninety days quarantine on the rams; and that all sheep shipped or driven from any territory or locality of any state or territory not certified by the chief of the United States Bureau of Animal Industry to be free from scab, or other infectious or contagious disease, must be detained in quarantine for a period of not less than ninety days after the last dipping, and shall be released only upon the order of the state veterinary surgeon. (Act approved March 8, 1907 §7.) (10th Sess. Chap. 173.)

1873. Fees of inspectors.—The inspector in each county shall receive for his services while necessarily employed in the discharge of his duties, not exceeding Eight (\$8.00) Dollars per day, which includes all necessary traveling and other expenses incurred in going to and returning from the place where such inspection is had, or other services performed. (Act approved February 28, 1905, p. 20.) (9th Sess. Chap. 45.)

1874. Authority of state veterinarian.—The State Veterinary Surgeon or Deputy State Veterinary Surgeon shall have authority concurrent with the Inspector to inspect and quarantine sheep and do any and all other acts; and make any and all orders that the Inspector or Sheep Commissioner is by this Act authorized to do or make and shall have authority to supervise and direct the action of the Inspectors in the discharge of their duty. And the State Veterinary Surgeon shall have authority to prescribe how sheep shall be dipped or otherwise treated, the kind of dip, which may be anyone recognized by the United States Bureau of Animal Industry, and to make rules and regulations for the instruction and guidance of the Inspectors in the discharge of their duties. (Act approved February 28, 1905, § 21.) (9th. Sess. Chap. 45).

1875. Statement of expenses.—Whenever any inspector files in the office of the State Auditor any bill with proper reports and vouchers, duly approved by the President and the Board of Sheep Commissioners, setting forth:

1. The name in full of such Inspector.
2. The kind and nature of the services rendered.
3. The particular locality where the work was done.
4. The time when, and the length of time employed.
5. The number of sheep inspected and the name of the owner or person in charge.
6. The disease or diseases treated, the numbers treated for such disease, and the length of time of such treatment, and the results.
7. The amount claimed, and the value of the services.
8. The amount of expenses necessarily incurred.
9. A statement and account of all money received by him from any owner of sheep on account of services performed under this act, including any sum realized on account of any lien therefor.
10. The State Auditor must, when such bill is approved by

the State Board of Examiners, draw a warrant in favor of such inspector, payable out of any moneys in the "Sheep Inspection and Indemnity Fund." (Act approved February 28, 1905, § 22.) (9th Sess. Chap. 45.)

1876. **Inspection record.**—Every inspector appointed under the provisions of this Article, must keep a book account to be known as the "Inspection Record," in which he must enter and record all his official acts and proceedings. Such record must particularly show the name of the owner of every flock of sheep inspected, when the same was inspected and the number of each flock, the result of such inspection, whether the same were quarantined, the limits of the quarantine, when released therefrom, the names of the persons to whom certificate has been granted, and when, and all orders and directions made in relation to any matters herein designated. He shall notify the Secretary of the Board of Sheep Commissioners when any sheep are brought into his country from any other state or territory, when any sheep are inspected by him and found to be diseased, with the name of the owner, the number thereof, and where located, when any sheep are quarantined by him, the limits of the quarantine, and when such sheep are released therefrom, and furnish such other information as the Secretary of the Board of Sheep Commissioners, may, from time to time require. Upon the termination of term of office, he shall deliver such record to the Secretary of the Board of Sheep Commissioners. (Act approved February 28, 1905, § 23.) (9th Sess. Chap. 45.)

1877. **Penalties of violation of the act.**—Any person who brings or causes to be brought into this state any sheep infected with scab or other infectious or contagious disease, or who shall violate or in any manner fail to comply with any order made by the state veterinary surgeon, deputy state veterinary surgeon or inspector, or any proclamation issued by the Governor, under the provisions of this act, or who violates or disregards any of the provisions of this act, or who shall in any manner hinder, obstruct or resist the state veterinary surgeon, or deputy state veterinary surgeon or any inspector, in the discharge of his or their duties, or shall break any quarantine, or wilfully or negligently permit any sheep to be placed within the limits of any quarantined premises or any locality prohibited or quarantined under the proclamation of

the governor, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by imprisonment in the county jail, not exceeding one year, or by a fine not exceed- One Thousand Dollars, or by both such fine and imprisonment, and shall be liable for all damages which may be sustained by any person, by reason of such act or acts, which damages may be recovered by such person in a civil action in any court of competent jurisdiction. (Act approved March 8, 1907 § 8.) (10th Sess. Chap 173.)

1878. **Reports of inspectors.**—Every Inspector must, on or before the 30th day of November, of each year, make a report in writing to the Secretary of the Board of Sheep Commissioners, showing from his inspection record particularly the matters therein contained since his last report which report shall be in triplicate, and one shall be filed in the office of the Secretary of said Board, and one transmitted to the State Veterinary Surgeon, and the said State Veterinary Surgeon must embody the information thus given in his report to the Governor. If such report is not made in triplicate by the Inspector, the Secretary of the Board shall make and certify a copy thereof, and transmit the same to the State Veterinary Surgeon. (Act approved February 28, 1905, § 25.) (9th Sess. Chap. 45.)

1879. **Employment of specialist.**—The Board of Sheep Commissioners, or the President of said Board when the Board is not in session, shall have authority upon recommendation of the State Veterinary Surgeon to employ one or more specialists to investigate any subject relative to fostering, promoting and protecting the sheep industry of the State, and cause to be performed any act or thing, which, in their (or his) judgment, is necessary, or would tend to foster, promote and protect the sheep industry such specialist or specialists may be employed by the day, week, month or year, and shall be under the direction and control of the Board of Sheep Commissioners, or when the Board is not in session, the President of said Board. The expense of such specialists shall not exceed Five (\$5.00) Dollars per day each, together with actual expenses for transportation. (Act approved February 28, 1905 §26.) 9th Sess. Chap. 45).

RAMS AND HE-GOATS AT LARGE.

1880. **Certificate to run public buck herd.**—No person or persons shall conduct what is known as a public buck herd in this state without first receiving from the state veterinary surgeon a permit to do so. Such permit must be in writing and signed by the state veterinary surgeon, which said permit must be issued by the Veterinarian upon receipt from such person or persons of an application in writing for the same. All persons receiving a permit to conduct such herds shall, on or before the fifteenth day of July in each year, report to the state veterinary surgeon the number of bucks in said herd, the owners thereof, and the number owned by each, and where the said herd is kept, and any subsequent addition made to said herd must be reported to the state veterinary surgeon as soon as made. It shall be the duty of the state veterinary surgeon to cause all such buck herds to be inspected during the month of October in each year, and if he finds such herds to be free from scab, or other infectious or contagious disease, he shall issue a certificate stating such facts, which certificate shall have indorsed thereon the number of bucks in said herd, and the names of the respective owners. After the issuing of such certificate, any of such animals may be removed from such herd. The keeper of such herds shall not permit any animals to be removed from said herd, and no person shall remove any animals therefrom until such inspection and the issuing of such certificate. When any animals are so removed the keeper of such herd shall give to the owners or persons removing the same a copy of the certificate of the state veterinary surgeon, and such owners or persons must, on demand of any sheep owner in this state, exhibit such certificate. A public buck herd, within the meaning of this act, shall be one consisting of bucks owned by two or more persons not partners. (Act approved March 8, 1907 §10.) (10th Sess. Chap. 173.)

1881. (§ 3060.) **Rams and he-goats not to run at large.**—It is unlawful for any owner or person having the management or control over any ram or he-goat to permit the same to run at large between the first day of August and the first day of December of each year.

1882. (§ 3061.) **Penalty.**—Any person violating the provisions of this article is guilty of a misdemeanor and on conviction thereof must be punished as provided in § 8837 (1164)

of the Penal Code.

1883. (§ 3062.) **Liability to civil damages.**—Any person damaged by rams or he-goats running at large during the time mentioned in the first section of this article, may recover in a civil action any damages sustained thereby.

LIVE STOCK SANITARY BOARD.

1884. **Creation of state livestock sanitary board.**—The President of the Board of Stock Commissioners, the President of the Board of Sheep Commissioners and the President of the State Board of Health of Montana, shall, ex-officio, constitute a Board to be known as the State Live Stock Sanitary Board. Said Board shall have the power and perform the duties hereinafter defined and a majority of said Board shall constitute a quorum for the transaction of business. The Board shall organize by electing one of their number chairman, and whenever the personnel of said Board changes, by the advent of a new member, the Board shall again organize by electing a Chairman. The State Veterinary Surgeon shall ex-officio, act as secretary of said Board, without extra compensation. The members of said Board, who are not receiving annual or monthly salaries as officials of the State, or state boards, or of any county, shall receive the sum of Five Dollars per day for each day the Board is in session, and all members shall receive their actual and necessary traveling expenses in going to and from meetings of the board. All claims for per diem and expenses must be sworn to and accompanied with vouchers of each item of expense, and audited and allowed by the State Board of Examiners against the fund hereinafter provided for. Meetings of the Board shall be held upon call of the Chairman, after giving reasonable notice to the members of the time, place and must not exceed two meetings a year, except in cases of urgent necessity where immediate action of said Board is required to prevent the spread of contagious or infectious diseases. (Act approved March 7, 1907, § 1.) (10th Sess. Chap. 152.)

1885. **Deputy state veterinary surgeon.**—The State Veterinary Surgeon may by and with the approval and consent of the State Live Stock Sanitary Board, hereinafter referred to as a Sanitary Board, appoint not more than three permanent special deputies, as occasion may require, hereinafter referred

to as deputies, who must be graduates of a regular and reputable veterinary college or veterinary department of a regular and reputable university. Each deputy permanently appointed shall receive a salary of Fifteen Hundred Dollars (\$1500.0) per annum together with actual and necessary traveling expenses. The said deputies may be removed by the state veterinary surgeon and sanitary board at any time without cause. The state veterinary surgeon and the sanitary Board acting jointly are hereby authorized to appoint in various localities of this state, from among veterinarians permanently located therein, deputy veterinary surgeons; and who must have the same qualifications as special deputies, who shall be subject to the orders of the state veterinary surgeon and the sanitary board, and who, together with the permanently employed deputies and the state veterinary surgeon, shall have equal powers under the direction of the state veterinary surgeon and the sanitary board, in enforcing the provisions of this act. Such deputies however, shall be paid only for actual services performed when directed to do so by the state veterinary surgeon or sanitary board, and for such services when so directed shall receive the sum of Six Dollars (\$6.00) per diem, together with actual traveling expenses. (Act approved March 7, 1907, § 2.) (10th Sess. Chap. 152.)

1886. Appointment of federal inspectors to act as state inspectors.—Subject to the approval of the Chief of the Bureau of Animal Industry of the United States, federal inspectors may also be appointed deputy state veterinary surgeons by the state veterinary surgeon with the approval and consent of the sanitary board. When so appointed they shall act without bond or compensation, and possess all the powers and duties of special state veterinarians, and shall hold such appointments at the pleasure of the state veterinary surgeon and the sanitary board, so long as they remain inspectors of said Bureau and as such are stationed in this State. (Act approved March 7, 1907 § 3.) (10th Sess. Chap. 152.)

1887. Powers and duties of state veterinary surgeon.—The state veterinary surgeon shall have power, and it shall be his duty:

1. To act as Chief Executive Sanitary Officer of the sanitary board, and to do all other things necessary or proper to the successful enforcement of this Act.

2. To control and supervise and direct the action of all deputies.

3. To enter on or in and examine any car, yard, stable, steamboat, corral, or other building, or any premises and to examine any livestock therein or thereon, and otherwise to do therein or thereon, whatever may be found necessary or proper in the discharge of his official duties.

4. To quarantine any animal or animals suffering from or exposed to any contagious, infectious, enzootic, epizootic, or dangerous disease; to prohibit their moving or transportation without a certificate from him and to quarantine premises infected or believed to be infected; and to superintend and control the disinfection of any such premises, and to use and curative protective or immunizing antitoxins or serum, or any diagnostic agents as needed, and to order and accomplish the slaughter of live stock suffering from dangerously contagious or infectious disease, or incurable disease or live stock exposed to disease, the slaughter or quarantine of which may become necessary under regulations of the board; and to order and accomplish the disposition of the carcasses of such slaughtered live stock; and to superintend, control and accomplish the burial or other disposition of the carcasses of any animals dying from any of said diseases.

5. To make complaint against any person or persons violating any law relative to live stock, and procure a warrant whenever conditions permit; and to bring the person or persons before the proper magistrate or officer and notify said sanitary board thereof and of his action. (Act approved March 7, 1907 § 4.) (10th Sess. Chap. 152.)

1888. **Powers and duties of state sanitary board.**—The state veterinary surgeon and the sanitary board shall have power and it is their duty in addition to the powers now conferred on them by law:

1. To supervise and control the action of all deputies and inspectors, and to prescribe regulations to govern them.

2. To remove all its appointees, subordinates and servants at any time without cause.

3. To supervise the sanitary conditions of live stock of this state; to determine and employ the most efficient and practical means to prevent, suppress, control and eradicate, dangerous, contagious, infectious, enzootic, epizootic, or any dangerous

non-contagious disease among livestock within, or live stock coming into or going out of the state, and must recommend to the Governor when necessary the issuance of quarantine proclamation against domestic animals in other states, territory or foreign countries, as occasion demands, and is hereby made the Governor's duty to issue such quarantine proclamations as may be requested by the state veterinary surgeon and sanitary board against all domestic animals coming into this state from without, or to set aside and specify general quarantine areas within this state on account of animal diseases, when so requested by the sanitary board.

4. To establish and maintain all and any livestock sanitary regulations that may be deemed expedient; or as may be from time to time necessary to prevent and suppress contagious, infectious or dangerous animal diseases. **Provided** that all sanitary regulations adopted by the state veterinary surgeon and sanitary board, or to be recommended to the Governor, shall, as far as possible, be in conformity and harmony with the regulations in that regard of the Secretary of Agriculture of the United States, as the same may exist from time to time, and **provided further**, that in cases of acutely contagious or rapidly fatal diseases, such as anthrax, rinderpest, foot and mouth disease, hog cholera, swine plague, variola, or pox, contagious abortion, ophthalmia, colt distemper, or malignant catarrh, or rabies, the powers conferred by this paragraph on the board may be exercised by the chairman, **and provided further**, that such sanitary board shall cause copies of their regulations from time to time to be printed and furnished to all railway common carriers within this state, and all deputies within this state, members of the different health boards and to the sheriffs of each county within the state, who shall keep them posted in their offices and shall furnish from the office of the state veterinary surgeon other copies thereof whenever requested from time to time.

5. To aid the prosecution of all alleged violations of the law, or violations of the regulations prescribed in conformity with this Act; and to aid prosecution for interfering with the lawful action of their appointive officers.

6. To direct and regulate the slaughter of all diseased animals and the dipping and treating thereof for disease and to order and regulate the gatehering and handling of range and

other livestock to that end, and to make all and any regulations or rules or orders relative to the gathering, handling and treating or destruction of any animals mentioned herein suffering from or exposed to any contagious or infectious disease.

7. In case of scabies, or any other contagious or infectious disease among domestic animals on the public range, if after due notification the owner, agent or person in charge fails within ten days subsequent to such notification from the state veterinary surgeon or deputy, or sanitary board, to take such animal or animals up and properly treat the same, under the direction of the state veterinary surgeon, or deputy then the sanitary board shall have authority to order the rounding up of such animal or animals and procure the proper treatment of the same by the state veterinary surgeon or deputy, all of which expense shall be a first lien upon the animal or animals and said lien shall take precedence over all other liens. **Provided**, in case of scabies the time for gathering and rounding up range animals may be extended by written order of the sanitary board to a period not exceeding sixty days from date of notification, or in case of emergency, on account of acutely fatal diseases may be limited by said board to twenty-four hours or less, as in their judgement is necessary. **Provided further**, that if any of said domestic animals on the public range are estrays and the owner thereof is not known and cannot with reasonable diligence be found, then the sanitary board shall have the same authority to order the rounding up of and to procure the treatment of said animal or animals as is herein conferred upon it in handling animals other than estrays and said stray animals shall be subjected to all the provisions of this section; **and provided further**, that any animal or animals upon which a lien is created by this section, may upon order of the sanitary board, be sold at public sale to the highest bidder, after at least ten days notice, to be given in such manner as the sanitary board may provide. The proceeds from such sale to be applied, first in satisfying said lien and the balance if any to be turned over to the owner if known. If the owner of the animal or animals so sold is not known then the balance if any to be deposited with the Secretary of the Board of Stock Commissioners to be by him held subject to proof of ownership of the animal or animals sold for a period of two years from the date of sale, at which time if no person has proven his owner-

ship of the animal or animals sold, such balance must be transferred to the credit of the stock indemnity fund, and no action for the recovery thereof, by the owner of such animal or animals or his assigns shall thereafter be maintained. (Act approved March 7, 1907, § 5.) (10th Sess. Chap. 152.)

1889. **Slaughtering of diseased animals.**—Two classes of animals may be slaughtered:

1. Animals determined by either the state veterinary surgeon or deputy to be affected with disease requiring slaughter. No animals of this class shall be paid for, save when a mistake as to the existence of a slaughterable disease is discovered upon autopsy.

2. Animals so exposed to disease as to require their slaughter as a sanitary safeguard. These shall be paid for, subject to the conditions hereafter mentioned in this Section, and as provided in § 1891 (8) of this Act. No payment to be made for cats and dogs. Animals of the second class shall only be killed after notice, save those animals not in the direct custody of any person and whose owner is either unknown or resides so far away as to make immediate notice impracticable. And animals of both classes shall only be slaughtered by the owner or custodian, or his or their agents, or by the state veterinary surgeon or deputy. **Providing** that animals otherwise subject to be paid for on slaughter shall not be paid for under any of the following conditions:

1. When they belong either to the United States or to this State, or to any municipality therein.

2. When they have been brought into this State contrary to the provisions of this Act, or regulations or orders made thereunder, or when exposed to disease either before, or at the time of their arrival in this State, or when the owner or claimant knew that they had been exposed when he acquired them.

3. When, before exposure, it was suffering from any other incurable or necessarily fatal disease.

4. When the owner or custodian has violated the provisions of Section 1898 (15) of this Act, as to notice concerning exposed animals or otherwise. (Act approved March 7, 1907, § 6.) (10th Sess. Chap. 152.)

1890. **Notice to owners of animals.**—When the state veterinary surgeon or deputy, shall have determined after inspection,

that an animal of the first class must be slaughtered and notice is required, he shall give written notice to either the owner or custodian; which notice must designate the disease, and require such owner or custodian to kill the animal, and where burial or burning of the carcass is desired, to bury or burn it, in manner and time to be declared therein, and must be either personally served or served by mail or by leaving in daytime at the residence of such owner or custodian, with any person over 15 years of age.

2. If such owner or custodian fails to comply with such order the state veterinary surgeon or a deputy may forthwith seize such animal or animals and enforce the order at the cost of such owner or custodian. If such owner or custodian dispute the existence of such disease or any slaughterable disease, he shall serve a written notice of protest on the state veterinary surgeon or deputy (serving original notice) and shall fix in such notice of protest a time and place (the former not later than 136 hours after the service of said original notice) when and where he will kill such animal or animals. Such notice of protest shall be served in season to enable the state veterinary surgeon or deputy to attend the killing. And thereupon the state veterinary surgeon or a deputy shall attend the killing and hold an autopsy on such animal or animals in the presence of the owner, or custodian or any other person by him selected to be present. If on such autopsy, no pathological lesion of a disease requiring slaughter can be found, the animal or animals shall be paid for as in the case of animals of the second class. But if found part of a tissue of each animal showing such lesion shall at the time be delivered to such owner, custodian or representative, the receipt of the latter taken therefor, and another part of said tissue and said receipt sent to the state veterinary surgeon who shall retain them until the claim is finally disposed of. On any killing after notice of protest, a right of action shall arise in favor of the owner or custodian, against said sanitary board; but recovery in such action shall not be had unless the nonexistence of such lesion at the time of the killing be affirmatively proven. And judgment recovered by any plaintiff in such action shall be paid out of the stock indemnity fund, created by this Act. In all cases where animals of the first class are killed without notice, autopsy shall be held, and a certificate of a discovery

or nondiscovery of lesion, together with part of tissue forwarded the state veterinary surgeon as above, save when the animal or animals to be slaughtered show unmistakable symptoms of disease requiring slaughter, in which event a certificate stating such facts shall be forwarded the veterinary surgeon.

3. When no lesion is found and the value of the meat for human consumption, has not been affected, the veterinary surgeon holding autopsy shall issue a permit of sale and the carcass may be sold for food, after inspection and proper certification of such fact is made by the state veterinary surgeon or deputy. (Act approved March 7, 1907, §7.) (10th Sess. Chap. 152.)

1891. **Payment for animals slaughtered.**—Whenever animals are to be paid for under the provisions of this Act, they shall be paid for out of the stock indemnity fund, by this Act, created, upon an order of said Board, after the valuation thereof has been to it certified. Said valuation must be made by the veterinary surgeon or deputy veterinary surgeon ordering the slaughter or killing of the animals on holding the autopsy or in case of animals of the second class killed by order of veterinary surgeon or deputy veterinary surgeon or by the state veterinary surgeon on information to him furnished by said deputy, he must truly estimate the actual cash value at the time of killing, but in no instance shall his valuation exceed the following: In the case of cattle; for common blood, not exceeding \$35.00 per head for any male animal, four years old and upwards, and for any female animal four years old and upwards, not exceeding \$25.00 per head and proportionately less for lesser ages. For graded stock not exceeding \$40.00 per head for any male animal four years old and upwards, and for any female animal four years old and upwards not exceeding \$35.00 per head and proportionately less for lesser ages. And for all full bloods, for any male animal four years old and upwards not exceeding \$100.00 per head, and for any female animal four years old and upwards not exceeding \$75.00 per head and proportionately less for lesser ages. In the case of horses, for common bloods, not exceeding \$25.00 per head for each animal four years old and upwards and proportionately less for lesser ages for graded stock, for each animal four years old and upwards, not exceeding \$50.00 per head and proportionately

less for lesser ages. And for full bloods for any animal four years old and upwards, not exceeding \$125.00 per head and proportionately less for lesser ages. In the case of goats and swine, not exceeding their market value for meat by weight. A slaughterable disease shall be deemed any disease contagious or infectious that is incurable and dangerous or communicable to mankind, such as glanders among horses, asses, and mules, or tuberculosis, rabies and anthrax among all animals. **Provided** that in tuberculosis of cattle, the sanitary board may direct the state veterinary surgeon to detain such cattle in quarantine subject to eradication by the so-called Bang System or other improved system approved by the said Board. Act approved March 7, 1907, § 8.) (10 Sess. Chap. 152.)

1892. **Expenses for treatment of animals.**—The owner or custodian shall be alike liable for expense incurred in the treatment, dipping, handling, of any live stock under the provisions of this Act, and whenever such owner or custodian is so liable for any such expense, the said sanitary board may have a lien upon such live stock and any other live stock owned by the person liable, which lien shall be a first lien and superior to any other lien, claim or demand against said property. The sanitary board may also maintain a civil action for the amount of such expense against the person liable therefor. (Act approved March 7, 1907, § 9.) (10th Sess. Chap. 162.)

1893. **Duty of state and local boards of health.**—It is hereby made the duty of the State and several local Boards of Health of any county, city, town or village in the state, to co-operate with and assist the said sanitary board in all matters, relating to the execution of its sanitary powers as to live stock under this Act, in such manner as may be by said Sanitary Board prescribed, either by general regulation or direct order. (Act approved March 7, 1907, § 10.) (10th Sess. Chap. 152.)

1894. **Notice of existence of disease to be given.**—Any person including the owner or custodian, who has reason to suspect the existence of any disease mentioned in this Act among live stock, or the presence of exposed animal or animals at any point within the state shall forthwith give notice thereof to the state veterinary surgeon. (Act approved March 7, 1907,

§ 11.) (10th Sess. Chap. 152.)

1895. **Board to have authority to administer oath.**—Whenever in the exercise of their powers or the discharge of their duties it shall become necessary or proper, for any member of said sanitary board, or the state veterinary surgeon, or any of his deputies, to investigate facts and conditions, he is hereby authorized to administer oaths, take affidavits and compel the attendance and testimony of witnesses being given for such purpose all the powers of a Notary Public. (Act approved March 7, 1907, § 12.) (10th Sess. Chap. 152.)

1896. **Definition of words and phrases.**—The phrase “dangerous, contagious, infectious, enzootic and epizootic,” as used in this Act, shall be deemed to include glanders, farcy, tuberculosis, anthrax, rinderpest, rabies, foot and mouth disease, plural pneumonia, cholera, swine plague, variola or pox, contagious abortion, contagious ophthalmia, mal du coit, coital exanthema, scab or scabies, or any other contagious skin disease, blackleg, malignant catarrh, and any other disease of live stock that may be controlled or eradicated by sanitary measures or regulations. The word “livestock” as used in this Act, shall be deemed to include horses, mules, asses and cattle, goats, swine, dogs and cats. (Act approved March 7, 1907, § 13.) (10th Sess. Chap. 152.)

1897. **Transfer of funds from stock indemnity fund.**—The State Treasurer is hereby authorized to transfer out of any moneys in the General Fund, not otherwise appropriated, the sum of Ten Thousand Dollars, which, in addition to the sum now carried in the Stock Indemnity Fund, shall be known as the “Stock Indemnity Fund,” which fund must be used exclusively to defray all expenses created by this act, except the salaries of the state veterinary surgeon, his regular deputies and his stenographer, which shall be paid out of the General Fund. (Act approved March 7, 1907, § 14.) (10th Sess. Chap. 152.)

Note.—See act approved March 8, 1907. (10th Sess. Chap. 172.)

1898. **Penalties for violating quarantine.**—If any owner or custodian or any other person shall wilfully or intentionally break into quarantine and remove any quarantined animal or animals from any established quarantine to another point; or shall take any animal or animals into any established quar-

antine, or shall wilfully or intentionally drive or transport from one point to another any animal or animals known by him to be affected with or exposed to any contagious or infectious disease; or shall wilfully or intentionally, dispose of the carcass of any affected or exposed animal or animals of any kind for consumption as food or shall wilfully or intentionally sell milk from any such animal or animals, without permit from the state veterinary surgeon or deputy, or fails to notify the state veterinary surgeon of the existence of contagious or infectious disease among his animals or exposes thereto or shall wilfully violate any provisions of this Act, or any regulation or orders lawfully made in conformity therewith; or shall in any manner hinder, resist or obstruct the execution of any such regulation or order, or hinder, resist or obstruct any officer or employee of said sanitary board in the discharge of his duty, or in the exercise of his lawful powers, or shall negligently break any quarantine, or shall negligently suffer any quarantined animal or animals to escape from quarantine, or take or allow any animal or animals to go into any quarantine, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than Five Hundred Dollars, or imprisonment in the County Jail, not more than six months or both such fine and imprisonment. (Act approved March 7, 1907, § 7.) (10th Sess. Chap. 152.)

1901. **What constitutes breaking quarantine.**—Breaking quarantine shall mean the taking of any animal or animals or allowing any animal or animals (of the kind quarantined by the state veterinary surgeon or a deputy) to go into or out of any building, corral, premises or range quarantined by the state veterinary surgeon or a deputy. (Act approved March 7, 1907, § 17.) (10th Sess. Chap. 152.)

1902. **Reports of state veterinary surgeon.**—The state veterinary surgeon shall make, on or before the tenth of December each year, a written report to the Sanitary Board, which report must be transmitted by them to the Governor. The Deputy Veterinary Surgeon must make monthly and annual report to the state veterinary surgeon, such reports to be included in the annual report of the state veterinary surgeon. (Act approved March 7, 1907, § 18.) (10th Sess. Chap. 152.)

DISEASED STOCK.

1899. **Penalties for allowing diseased animals to run at large.**—It shall be unlawful for any owner, agent or person in charge of, to permit any domestic animal or animals herein mentioned, and that is known to be suffering from or exposed to any contagious or infectious disease, to run at large on the public range or public highways, and each such offense shall be punished by a fine of not less than \$25.00 nor more than \$500.00 or imprisonment in the county jail for a period of not more than six months or both. (Act approved March 7, 1907, § 16.) (10th Sess. Chap. 152.)

1900. (§ 3063.) **Diseased animals not to run at large.**—It is unlawful for the owner or for any person having in charge any horse, mule, ass, sheep or cattle affected with any contagious disease to allow such diseased animal to run on any range, or within any enclosure where such animals may come in contact with any other animal not so diseased. All animals so affected with contagious disease must be at once removed by the owner thereof or person in charge of the same, to some secure inside inclosure, where contact with other animals, by reaching over or through the fence of said enclosure will be impossible, or must be strictly herded six miles from any farm or from any other stock running at large or being herded. Every person who knowingly neglects or refuses to remove or to so inclose or herd away from farms or other stock such diseased animals affected with contagious disease, after having received notice of their diseased condition, is punishable as provided in § 8531 (700) of the Penal Code, and is liable for damages to the party injured.

TUBERCULOSIS, DAIRY CATTLE.**Chapter 146.**

“An Act to provide for districting of the State of Montana, the appointment of four additional Deputy State Veterinary Surgeons, defining their qualifications, duties and compensation; providing for the testing of Bovine animals, their quarantine, destruction and disposition, under the general supervision of the Live Stock Sanitary Board.”

Be it enacted by the Legislative Assembly of the State of Montana:
Section 1. The State Live Stock Sanitary Board shall on

or before April 1st, 1911, divide the State of Montana into four districts to be known as district No. 1, number 2, number 3, and number 4, for the purpose of applying the tuberculin test to all dairy cattle within the State of Montana.

Section 2. The State Live Stock Sanitary Board shall on or before April 1st, 1911, appoint four special deputy State Veterinary Surgeons, whose qualifications shall be the same as those now prescribed by law for Deputy State Veterinary Surgeons, whose duty shall consist of applying the tuberculin test to all dairy cattle within the State of Montana, milk from which is used for public consumption, or sold, disposed of, or given away in any manner for the use of the public. Such Special Deputy State Veterinary Surgeons shall receive the same compensation as is now prescribed by law for Deputy State Veterinary Surgeon and shall be at all times under the direction and supervision of the State Live Stock Sanitary Board and State Veterinary Surgeon and such special Deputy Veterinary Surgeons may be removed by the State Live Stock Sanitary Board at any time.

Section 3. Each special Deputy State Veterinary Surgeon herein provided for shall be assigned to one of the districts herein contemplated for the purpose of carrying into effect the provisions of this Act.

Section 4. Whenever tuberculosis is discovered in any Bovine animal supplying milk to the public, or any male Bovine animal in a herd supplying milk to the public, the owner of such tuberculous animal must either retain such animal or animals in quarantine under such restrictions, rules and regulations as the State Live Stock Sanitary Board may direct, or such owner may ship such tuberculous animal or animals within the boundaries of this State under the direction of said Board to any abattoir where meat inspection is maintained under the supervision of the United States Bureau of Animal Industry or where such inspector is maintained by an official inspector of the State; in the event that such animal or animals are shipped to an abattoir where such meat inspector is maintained and such animal or animals are sold, the owner shall receive the net proceeds of the sale thereof and shall have no further claim against the State on account of such slaughter. In the event that it is impracticable or impossible to ship such tuberculous animals to an abattoir where meat inspection is

so maintained by an official inspector of the State; in order of the State Live Stock Sanitary Board.

Section 5. The carcasses of all animals condemned and slaughtered under the provisions of this Act must be buried or burned under the supervision of the Deputy State Veterinary Surgeon making the inspection and test.

Section 6. All Tuberculin used in the testing of cattle under the provisions of this Act must be manufactured by the United States Bureau of Animal Industry, and not less than six anti, nor less than six post injection temperatures must be taken by the Deputy State Veterinary Surgeon making the test in each and every instance.

Section 7. There is hereby appropriated out of the General Fund for the carrying out of this Act under the supervision of the State Live Stock Sanitary Board and the State Board of Examiners the sum of Twelve Thousand (\$12,000.00) Dollars, for the year 1911, and the sum of Fifteen Thousand (\$15,000.00) Dollars for the year 1912.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from the date of its passage and approval.

Approved March 14, 1911.

Chapter 130.

Section 6. The State Veterinarian, either in person or by his deputies shall tuberculin test all cattle used in and about all dairies in the State of Montana at least once during each calendar year; and all persons, firms or corporations conducting a dairy in this state shall file with the Secretary of the State Board of Health a certificate for each cow hereafter added to his dairy, which certificate shall be signed by a veterinarian approved by the State Board of Health and shall state that such cow has been tuberculin tested by him and found to be free from tuberculosis, and such certificate shall contain a description of such cow, which description shall be sufficiently complete to identify the cow; and any person firm or corporation using any cow in his dairy, or keeping any cow on his dairy premises, which has not been tuberculin tested and found free from tuberculosis shall be guilty of a misdemeanor and shall be deemed guilty of selling milk from diseased cows, For the purpose of this Act any person shall be deemed as con-

ducting a dairy who offers for sale any milk or cream, or who sells milk or cream to any butter factory, creamery or other place where milk or milk products are manufactured or sold.

Section 7. It shall be unlawful for any person, persons, firm or corporation to sell within this State or to have within his or their possession with the intent to sell within this State for human food, the carcass or parts of the carcass of any animal which has been slaughtered, prepared, handled or kept under unsanitary conditions; and unsanitary conditions shall be deemed to exist whenever and wherever any one or more of the following conditions are found to appear, to-wit: If the slaughter house is delapidated or in a state of decay; if the floor or side walls are soaked with decaying blood or other animal matter, if efficient fly screens are not provided, if the drainage of the slaughter house yard is not efficient, if maggots or filthy pools or hog wallows exist in the slaughter-house yard or under the slaughter house floor, if the water supply used in connection with the cleaning or preparing of the meat is not pure and uncontaminated; if the hogs are kept in the slaughter house yard or fed therein on animal offal, or if the odors of putrefication plainly exists in or about the slaughter house; if carcasses or parts of carcasses are transported from place to place when not covered with clean white cloths, or if kept in unclean or bad smelling refrigerator or refrigerators, or if kept in unclean or foul smelling store rooms. It shall be unlawful for any person, persons, firm or corporation to have in his or their possession with intent to sell the carcass of any animal or fowl which has died from any cause other than being slaughtered in a sanitary manner, or the carcass or part of the carcass of any animal that shows evidence of any disease or that came from a sick or diseased animal, or the carcass or part of the carcass of any calf that was killed before it had attained the age of four weeks.

It shall be unlawful for any person, persons, firm or corporation to sell or offer for sale any eggs after the same have been placed in an incubator, or to sell or offer for sale to be used as food, knowingly, eggs in a rotten, decayed or decaying condition.

It shall be the duty of all peace or health officers to seize any animal carcass or parts of carcasses or any domestic or wild fowl, eggs, game, fish, or other food product found to be

unwholesome and which are intended for sale or offered for sale for human food, or which have been slaughtered or prepared, handled or kept under unsanitary conditions as herein defined or as the rules and regulations of the State Board of Health may designate, and shall deliver the same forthwith to and before the nearest police judge or justice of the peace, together with all information obtained, and said police judge or said justice of the peace shall issue warrants of arrest for all persons believed to have violated any provision of this Act, and said cause shall be tried at an early date thereafter. The said police judge or said justice of the peace shall immediately drench the unwholesome food brought before him with kerosene and require the owner thereof to immediately dispose of the same in a sanitary manner, or he may, in his discretion, order the unwholesome food rendered into grease and tannage.

Section 15. Except as elsewhere provided in this Act, any person, persons, firm or corporation violating any of the provisions of this Act, shall upon conviction of the first offense, be punished by a fine of not less than twenty-five (25) dollars nor more than seventy-five (75) dollars; for the second offense, by a fine of not less than fifty (50) dollars, nor more than two hundred (200) dollars; and for the third and subsequent offenses, by a fine of not less than one hundred (100) dollars and imprisonment in the county jail for not less than thirty nor more than ninety days, and all fines collected for violations of this Act shall be paid to the county treasurer of the proper county, who shall remit the same to the State Treasurer of the State of Montana, and said moneys shall be placed to the credit of the State Board of Health Maintenance Fund.

BOUNTIES FOR KILLING WILD ANIMALS.

Chapter 50.

"Section 1904. That there shall be paid from the bounty funds of the State for the killing of wild animals inimical to the stock industry the following bounties: For each grown wolf \$15.00; for each coyote \$3.00; for each wolf pup \$3.00; for each coyote pup \$3.00; for each mountain lion \$10.00."

1905. **Claimant shall exhibit skin.**—Any person killing any of the aforesaid animals, except mountain lions, to obtain bounty thereon, shall, within sixty days of the date of the kill-

ing exhibit the skin or skins of the said animal or animals including the tail and the skin from the entire head, including the ears thereof, to the Bounty Inspector nearest to the locality in which the animal or animals were killed; and shall at the same time, file with the Bounty Inspector, as hereinafter provided, an affidavit setting forth that he killed the animal or animals from which the skin or skins were taken; that the same was killed near to, or if more than one hide is presented, that the greater number were killed nearer, to the residence of the said Bounty Inspector to which the same was presented, than to any other Bounty Inspector, and also state the county or counties in which said animals were killed, and every Bounty Inspector appointed under the provisions of this Act shall be in power to administer oaths to any and all persons making affidavits as aforesaid; **provided, however,** that any person killing any mountain lions to obtain bounty thereon, shall present the same to a Bounty Inspector as provided in this Section for wolves and coyotes, except that in addition to the requirements of this Section the skins of mountain lions shall also contain the entire skin of the lower jaw which shall be severed by the Bounty Inspector and thereafter treated in the same manner as scalps of wolves and coyotes herein provided. (Act approved March 1, 1905, § 2.) (9th Sess. Chap. 49.)

1906. **Bounty inspectors.**—It shall be the duty of the Judge of the District Court presiding over any of the counties within the state to forthwith appoint three representative stock growers, whose duty it shall be to appoint, not to exceed ten Bounty Inspectors within any of the Counties of the State, whose duty shall be to receive and examine all skins or pelts presented for bounty within their respective localities; the said bounty inspectors shall receive ten cents for each skin examined, said amount to be paid by the owner of said skin; and each shall take the oath of office provided in case of county officers, said oath to be filed with the County Clerk of the County wherein he shall be appointed; each Bounty Inspector shall to prevent fraud, minutely examine each skin presented, and should such examination disclose that the scalp and ears with the skin from the entire head of each animal or animals, has not been severed, punch, patched or in any manner marked, he shall there in the presence of the person presenting such skin mark each skin by severing the skin from the head, including

the ears, and then redeliver the skin or skins to the person presenting the same, and shall require the affidavit of one resident taxpayer residing in the vicinity in which said animal or animals were killed, setting forth that he is a resident taxpayer, and tax payer on live stock in said county, giving his post-office address and stating that he is personally acquainted with the person presenting the skin or skins, and to his knowledge, information and belief, said person did kill or cause to be killed the animals from which the skin or skins were taken, within sixty days preceeding the offering of such skins for a bounty, in the locality nearest to where said Bounty Inspector resides, and at the same time make out and deliver to said person, a certificate addressed to the County Clerk of his County, and immediately mail to said County Clerk a duplicate thereof, showing the date, number and kind of skins so marked by such severing, and the name of the person presenting the fact of the filing of the affidavit herein provided for and the examination of made as required; and said certificate shall be duly signed by him in his official capacity; **Provided**, that when any doubt shall exist as to the kind of skin or skins presented, whether wolf or coyote, the certificate shall be issued for the lesser bounty, and each Bounty Inspector shall keep a record in a bound book of all the skins so marked and served, showing the date, number and kinds, the names of the persons presenting the same, which book shall be a book of official record, and the Bounty Inspector shall immediately string upon a wire all of the said scalps, including the ears thereof as severed by him, and securely seal ends of said wire with a lead seal by means of a punch, both to be furnished by the State Board of Stock Commissioners, each punch to contain a letter of the alphabet and no two punches in the same County to contain the same letter, and numbering seal with a number corresponding with the number of Bounty Certificate issued for the skin or skins contained thereon together with his letter; all wolf, coyote, pup wolf, and pup coyote heads to be strung on separate wires, respectively, and so noted on said certificate the number of the heads on said wire. The Bounty Inspector is not authorized to examine any skin or issue any certificate except on the first three days of each month, and any examination made by him or certificate issued on any other day is void. The Bounty Inspector shall,

not later than the 15th of each month, render to the County Clerk and Recorder of the County in which he resides a report setting forth the names of the persons presenting the skins, with the number of the certificate, the kind and number of the skins so presented, as to each and every certificate which he has issued during said month. The County Clerk shall upon the receipt of each said certificate file the same in the order in which they are received, and safely keep them until the arrival of the skin or skins mentioned in such certificate, properly sealed as hereinbefore provided, and upon the receipt of said skin or skins so sealed, he shall call to his assistance either the County Treasurer, or in his absence, the Clerk of the District Court, who being present, shall both, in order to prevent fraud, minutely examine each scalp strung upon each wire, and should such examination disclose the scalps as heretofore specified, of such animal or animals, agree with the number and kind of scalps or lower jaw of mountain lion mentioned in these said certificates, the County Clerk shall thereupon, in the presence of said Treasurer or Clerk of District Court, destroy said scalps without removing same from said wire, by fire; and said County Clerk shall then make out and deliver to the person named in said certificate, a second certificate showing the same statement of facts, as contained in the certificate of the Bounty Inspector with the additional statement of the examination so made by him; and that he found said scalps to agree with the number and kind mentioned in the certificate of said Bounty Inspector, and so stated therein in said certificate. In no case should a bounty certificate be issued by the Clerk and Recorder for more scalps than are actually received and counted by him, and the County Clerk and Recorder shall receive for each scalp or mountain lion lower jaw accounted for by him, the sum of five cents each to be paid quarterly by the Treasurer out of the Bounty Fund. The County Clerk shall keep a record in a bound book of all certificates so received and issued, showing the date, and description of the number and kind of hides, and the names of the person presenting the same, which book shall be an official record. (Act approved March 1, 1905, § 3.) (9th Sess. Chap. 49.)

1907. Proof of killing.—Should any Clerk or Bounty Inspector have reason to believe that any person presenting the skin or skins as above provided, has evaded the provisions of

this Act to obtain the bounty, unlawfully, he shall require satisfactory evidence of the time, place and manner of the killing of said animal or animals. (Act approved March 6th, 1903, § 5.) (8th Sess. Chap. 94.)

1908. (§ 3074.) **Warrants for bounties.**—It shall be the duty of the state auditor, upon the written order of the state board of examiners, to give the person presenting said order a warrant upon the state fund hereafter provided for, for the amount required to compensate, at the bounty prices by this act provided and awarded, for the number of animals mentioned in the order, taking the receipt on the back of the order of the person presenting for the full amount received; and the state auditor and the state treasurer shall keep an account of all warrants so issued and paid and list them in their annual report to the governor. (Act approved February 26, 1895.)

1909. (§ 3075.) **State bounty fund.**—For the purpose of providing for the payment of the aforesaid warrants there is hereby created a fund to be known as the state bounty fund, and in addition to the twenty-five per cent, of all licenses now provided by law to be paid into the state treasury, by the respective county treasurers, there shall be paid into the said state treasury a further five per cent, of all said licenses, making a total of thirty per cent, payable into the state treasury, and seventy per cent, thereof to be retained by the respective counties collecting the same; and it is provided that the extra five per cent of the said licenses thereby provided for to be paid into the state treasury shall, as received by the state treasurer from time to time, be covered into and passed by him to the credit of said state bounty fund, and the said treasurer shall likewise cause to be deposited to the credit of said fund from time to time, as he shall receive the same, of all proceeds of the tax levy next herein provided for. (Act approved February 26, 1895.)

1910. (§ 3077.) **Application of surplus funds.**—If at the end of any fiscal year there shall be a surplus of said bounty fund, it shall be the duty of the state treasurer, and he is hereby authorized to apply such surplus on the payment of warrants on outstanding bounty certificates, on the order of the state board of examiners. (Act approved February 26, 1895.)

1911. (§ 3078.) **Perjury. Forgery. Penalty.**—Any person who shall falsely make, alter, forge or counterfeit, any of said

certificates or orders shall be deemed guilty of a forgery, and any person who shall swear falsely to any affidavit provided for by this act, or procure the same to be done by another, with the intent of obtaining any one of said certificates or orders, shall be deemed guilty of perjury, and any person convicted of any of the offenses declared in this section shall be punished by imprisonment in the state's prison for a term of not less than one year nor more than ten years. (Act approved February 26. 1895.)

1812. Fraud. Penalty.—Any person or persons who shall patch up any skin or scalp, or who shall present any punched or patched skin or scalp, or who shall bring in any skin or skins from other States or Territory, with intent to obtain the bounty on same fraudulently, or any officer who shall sign any certificate herein provided for without first counting the skins and examining same to determine the kind of skins, and to see that the skin from the scalp or head is properly severed and preserved as hereinbefore provided, or shall evade any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment, and that two-thirds of the fine, if the same is collected, or can be collected, to be given to the informer, and the balance be covered into the State Bounty Fund. (Act approved February 27th, 1899, § 5.) (6th Sess. 102.)

1913. Certificate of bounty claim; how made.—That, hereafter, any applicant for bounty claimed for the killing of any stock destroying animal, under the laws of the state, shall in his own hand writing, fill up all blanks in the affidavit by law required to be made by such claimant of bounty, and, in stating in such affidavit the number of any kind of such animals upon which bounty is claimed, the said applicant shall state the number by writing the same in letters and, also, in parenthesis, in the figures; but, in the event that such applicant for bounty shall be unable to write, the blanks in such affidavit may be written and filled in for him by any other person, save and except the officer before whom such application for bounty is made. The person so writing for any bounty claimant, who is unable to write and fill in the blanks of his own affidavit, shall write his name below the name of the claimant upon such

affidavit. (Act approved March 5, 1907, § 1.) (10th Sess. Chap. 93.)

1914. **Witness to bounty certificate.**—Any taxpayer upon livestock becoming a witness in support of any bounty claim shall in his own hand writing, fill in all blanks in the affidavit to be by him subscribed, and at the same time, the number of the several animals whose hides are exhibited to the said witness of the time of applying for such bounty, and shall write such numbers in the said affidavit both in letters and figures; but, in the event that any such person acting as witness is unable to write, then such affidavit may be filled out in the manner prescribed in Section I of this Act. (Act approved March 5, 1907, § 2.) (10th Sess. Chap. 93.)

1915. **Erasures or obliteration of writing on bounty certificates.**—No officer shall hereafter, at any time, issue any bounty certificate or duplicate bounty certificate which has therein any erasure or obliteration of any ink writing upon the same, and the making upon the same, or any affidavit in support of any bounty certificate shall render such certificate null and void. (Act approved March 5, 1907, § 3.) (10th Sess. Chap. 93.)

1916. **Repeal. Construction.**—Article VIII, chapter V., of title VII., of part III., of the Political Code and all bounty laws, are hereby repealed, it being the purpose of this act that hereafter no bounty shall be paid upon any animals save those mentioned in § 1940 (3070) hereof. But nothing in this act shall be construed to affect the liability of the state or any county thereof for bounties earned in pursuance of existing laws. (Act approved February 26, 1895.)

LOST PROPERTY.

1996. (§ 2900.) **Duty of person finding lost money, goods, etc.**—If any person find any money, goods, things in action, or other personal property, or save any domestic animal from drowning or from starvation, when such property is of the value of ten dollars or more, he must inform the owner thereof, if known, and make restitution without compensation further than a reasonable charge for saving and taking care thereof; but if the owner is not known to the party saving or finding such property, he must, within five days, make an affidavit before some justice of the peace of the county, stating when and

where he found or saved such property, particularly describing it, and if the property was saved, particularly from what and how he saved the same, stating therein whether the owner of the property is known to him, and that he has not secreted, withheld, or disposed of any part of such property.

1997. (§ 2901.) **Justice to appoint appraisers; duty of appraisers.**—The justice must then summon three disinterested householders to appraise the same. The appraisers, or any two of them, must make two lists of the valuation and description of such property, and sign and make oath to the same, and deliver one of the lists to the finder, and the other to the justice of the peace.

1998. (§ 2902.) **Justice to file the list of appraisers.**—The justice must file such list and the finder must transmit a copy of the same to the county clerk of the county, who must record the same in a book known as the "Estray and Lost Property Book," within fifteen days, and the finder must at once set up at the court house door and four other public places in the township or city a copy of such valuation and a description of property.

1909. (§ 2903.) **Proceedings if no owner appears within six months.**—If no owner appears and proves the property, within six months, and the value thereof does not exceed twenty dollars, the same vests in the finder, but if the value exceeds twenty dollars the finder must within thirty days after setting up the list mentioned in the preceding section cause a copy of the description to be inserted in some newspaper printed in the county, if there be one, and if not, in some newspaper printed in the state, for three weeks and if no owner prove the property within one year after such publication it vests in finder.

2000. (§ 2904.) **Finder to restore property, when.**—If, within one year, an owner appears and proves the property and pays all reasonable charges, including fees of officers, the finder must restore the same to him. On failure to make restoration of such property, or the appraised value thereof, on being tendered such charges and fees, the owner may recover the same or the value thereof by civil action in any court having jurisdiction.

2001. (§ 2905.) **Finder failing to make discovery, penalty.**—If any person find any money, property or other valuable

thing, and fail to make discovery of the same as required by this article, he forfeits to the owner double the value thereof.

2002. (§ 2906.) **Proof, how made.**—The proof required by this article must be made before the county clerk, with whom the list provided for herein is filed, and if he is satisfied therefrom that the person claiming to be, is the owner, he must certify that fact under his hand and seal.

FENCES.

2082. **Legal fences defined.**—The following fences only are legal, and they must not be less than four feet-four-inches in height.

1. All fences constructed of at least one strong pole, rail or board, and three of either wires, or strong poles, rails, or boards, or both, so that there be three altogether thereunder, which lower three, whether all wires, or poles, rails or boards and wires, may be arranged at the pleasure of the builder; but all must be fastened firmly, as nearly equidistant as possible to substantial posts firmly set in the ground, not more than twenty feet apart, or set to well supported, substantial leaning posts not more than twenty feet apart. But the lower pole, rail, board or wire, must not be more than one foot and a half above the ground.

2. All fences constructed of at least four horizontal wires each, if cabled, to consist of not less than two wires, of at least number twelve gauge; or, if plain, of not less than a number nine gauge, the lowest of which must not be more than one foot and a half above the ground, securely fastened, as nearly equidistant as possible to substantial posts, firmly set in the ground, or to well supported, substantial leaning posts, not exceeding thirty-two feet apart, with pickets of wood or wire interwoven in or fastened to said wires, between each two of said posts, in such manner that there must not be more than five and one-half feet space between such pickets and posts or nearest pickets; the pickets, if of wire to be of not less than number eight gauge.

3. All substantial worm fences and stone walls.

4. All rivers, hedges, mountain ridges and bluffs or other barrier, over or through which it is impossible for stock to pass. But none of the fences hereinabove described are legal for

stockyards or places where either grain, hay or straw is kept; but such places must be inclosed by a fence at least six feet high, constructed of one strong pole, board or rail, with at least five strong rails, poles, or boards or barbed wire thereunder, securely fastened, as nearly equidistant apart as possible, to substantial posts firmly set in the ground, not more than fourteen feet apart; provided, that where wire is used in stock yards, smooth wire only, and not barbed wire, shall be used.

5. All fences constructed of any standard woven wire field fencing, not less than four-feet-four-inches in height, securely fastened to substantial posts, set at a distance not exceeding thirty-five feet apart. (Act approved February 27, 1905.) (9th Sess. Chap. 37.)

2083. (§ 3251.) **Penalty for violation.**—Any person constructing or maintaining any fence of any kind not described in the next preceding section, is liable in a civil action for all damages caused by reason of injury to stock resulting from such defective fence.

2084. (§ 3252.) **Barbed wire fences to be kept in repair.**—The owners of barbed wire fences must keep the same in repair, and any person receiving notice in writing, that his barbed wire fence or any part thereof is down, or in such condition as to be likely to injure any livestock, and fails or refuses to repair such fence, is liable to pay damages in an amount equal to the value of any cattle, horse, mule or other domestic animal which may be injured by coming into contact with the fence.

2085. (§ 3253.) **Partition fences.**—The occupants of adjoining lands enclosed with fences must build and maintain partition fences between their own and the next adjoining enclosure in equal shares, so long as both continue to enclose the same; and such partition fence must be kept in good repair throughout the year, unless the occupants otherwise mutually agree.

2086 (§ 3254.) **Partition fences to be maintained at joint expense.**—If any occupant of land adjoining the enclosure of another enclose the same, upon the enclosure of such other person, he must, within three months thereafter, build his proportion of such partition fence, or refund to the owner thereof an equal proportion of the value, at that time, of any partition fence of such adjoining occupant.

2087. (§ 3255.) **Fence when joint occupancy ceases.**—

Whenever any lands belonging to different persons in severalty, have been enclosed and occupied in common, or without a partition fence between them, and one of such occupants desires to occupy his part in severalty, the other occupant must, within six months after being notified in writing, build and maintain his proportion of such partition fence as may be necessary for that purpose and in case of neglect or refusal so to do, the person giving such notice may build such fence at the expense of the person so neglecting or refusing, the amount expended to be recovered in an action, together with all damages he may sustain on account of such neglect or refusal.

2088. (§ 3256.) **When partition fence removed.**—If the occupants of adjoining lands have heretofore built or hereafter build their respective portions of a partition fence, and either of them at any time desires to suffer the land occupied by him to lie open, he may, after having given to the occupants of the adjoining land at least six months' notice of his intention so to do, remove his proportion of the partition fence, unless such adjoining occupant pay or tenders to him the value thereof; and if such fence be removed without notice, or after payment or tender of the value as aforesaid, the person removing the same is liable to the person injured for all damages he may sustain thereby.

2089. (§ 3257.) **Repairs of partition fences.**—In case any person neglects or refuses to repair or rebuild any partition fence which by law he ought to build or maintain, the occupant of the adjoining land may, after giving sixty days' notice that a new fence should be erected, or five days' notice in writing that the repairing of such fence is necessary, build or repair such fence at the expense of the party so neglecting or refusing, the amount so expended to be recovered from him and the party so neglecting or refusing, after receipt by him of the notice above provided, is liable to the party injured for all damages he may sustain thereby.

2090. (§ 3258.) **Liability of owners of stock for trespass.**—If any cattle, horse, mule, ass, hog, sheep, or other domestic animal break into any enclosure, the fence being legal, as hereinbefore provided, the owner of such animal is liable for all damages to the owner or occupant of the enclosure which may be sustained thereby. This section must not be construed so

as to require a legal fence in order to maintain an action for injury done by animals running at large contrary to law.

2091. (§ 3259.) **Stock trespassing may be retained.**—If any such animal breaks into an enclosure surrounded by a legal fence, or is wrongfully upon the premises of another, the owner or occupant of the enclosure or premises may take into his possession the animal trespassing, and keep the same until all damages, together with reasonable charges for keeping and feeding. Any person who takes or rescues any such animal from the possession of the person in whose custody the same may be, without his consent is liable to a penalty of not less than five nor more than twenty-five dollars for each of the animals so rescued, which may be recovered by such occupant or owner in any court of competent jurisdiction. Within twenty-four hours after taking such animal into his possession, the owner or occupant must give notice to the claimant of the animal that he has taken up the animal, if known, or if unknown, he must post a like notice at some public place near the premises.

8868. (§ 1194.) **Unlawful and dangerous fences.**—That any person owning any lands in this state, or if the owner is not a resident wherein said land is situated, his managing agent, or if such lands are leased, the lessor, who shall permit any barbed or other wire to remain down, or broken in such condition as to be dangerous to live stock, for the period of thirty days, and the further period of ten days, after personal service upon him of a notice in writing, to repair said wire, shall be deemed guilty of a misdemeanor. (Act approved March 18, 1895.)

8753. **Destruction of fence or enclosure.**—Every person who wilfully and maliciously cuts, tears down, removes, or in any other manner injures or destroys any fence or other enclosure of lands, other than public, belonging to another, is guilty of a misdemeanor, and upon conviction is punishable by a fine not less than Twenty-five dollars nor more than Two Hundred dollars, or by imprisonment in the county jail not less than thirty days or more than six months, or by both such fine and imprisonment. (Act approved February 28th, 1903.) (8th Sess. Chap. 41.)

8832. (§ 1159.) **Leaving gate of an enclosure open.**—Every person who wilfully leaves open a gate leading in or out of any enclosed premises, whether enclosed by a lawful fence or not, is punishable by a fine not exceeding twenty-five dollars.

AUCTIONEER.

2119. (§ 3400.) **Who may become auctioneers, and how.**—Any citizen of this state may become an auctioneer, and be authorized to sell real or personal property at public auction in any county in this state, on giving a bond in accordance with the provisions of this article for the faithful performance of his duties, and on payment of the license therefor in every county in which he may do business. (Act approved March 7, 1895.)

2131. (§ 3423.) **Book for live stock.**—Every auctioneer who sells any animal of the horse kind, or any mules, must keep a book, in which he must register the name of each and every person bringing or offering any horse or mule to be sold, together with the marks and brands. The book is a public record, subject to the inspection of any person desiring to inspect the same.

8850. (§ 1177.) **Selling horses, etc., at auction.**—Every person who sells at auction any horses, mules, asses, or cattle, and fails to record in a book the name of the person who offers for sale said animals, the names of the owners with their residences, the color, brand, mark, size, and age of the animal offered for sale, or fails to keep said book open for the inspection of any person, is punishable by a fine not exceeding fifty dollars. This Section does not apply to judicial sales.

TAXATION OF ASSESSMENT.

2502. (§ 3690.) **Property assessed at cash value.**—All taxable property must be assessed at its full cash value. Land and the improvements thereon must be separately assessed.

2530. (§ 3720.) **Live stock, where assessed.**—Live stock belonging to a permanent resident of the state must not be listed or assessed while such stock is in transit, nor until it arrives in the county where the person owning the same resides, and must be listed and assessed in such county. If such live stock runs at large in a county other than the one in which such owner resides, it must be listed and assessed in such county.

2531. **Stock brought into the state for grazing.**—All live stock brought into this state by any person or persons whomsoever, for the purpose of being grazed for any length of time

whatsoever, shall be taxed for the year in which such live stock shall be brought into the State. (Act approved March 14, 1901 § 1.) (7th Sess. 57.)

2532. Certificate to be filed with county clerk.—It shall be the duty of every person bringing live stock into any county in this state, for grazing purposes as hereinbefore provided, to set out in a certificate under the hand of such person, or his agent, the number of live stock, with the brands, if any, upon the same, and file the said certificate with the county clerk of the county in which said live stock shall be first brought for the above purpose. (Act approved March 14, 1901, §2.) (7th Sess. 57.)

2533. Assessment of stock listed.—It shall be the duty of the county clerk, upon such certificate being filed as aforesaid, to keep an index of the same in his office for the inspection of all persons, and within ten days after the filing of the same to certify a copy of said certificate under his hand to the assessor of the County. It shall be the duty of the County Assessor to immediately enter an abstract of said certificate upon the tax list for the current year. If such certificate is filed with Assessor prior to the annual levy of taxes by the Board of County Commissioners, such assessor shall enter said assessment upon assessment roll, unless such rolls have already been completed, in which event he shall make a supplemental report, including all assessment of this character. If such assessment is made after the annual levy has been made, the said Assessor shall transmit said copy to the County Treasurer of the county, who shall immediately enter an abstract of such certificate upon the tax list for the said year, and shall proceed to collect the sum of money due and payable, from the person so keeping and herding said live stock, or his agent, and in the event that it is necessary for the said treasurer to collect the taxes due upon such live stock by distress and sale of said live stock, and all necessary expenses and costs occurring from such sale shall be deducted in the same manner as is now provided by law for the collection of taxes assessed upon personal property, without any further warrant to him for that purpose. (Act approved March 14th 1901, § 3.) (7th Sess. Chap. 58.)

2534. Deposit or bond to secure tax.—Any person named in § 2532 (2) of this Act, or his agent, who shall bring live

stock into this state for grazing purposes, prior to the levy of the regular tax by the Board of County Commissioners of the county into which the said live stock are brought shall be required by the assessor of the county wherein the said live stock may be kept and herded to pay the sum of forty cents on each and every head of cattle and ten cents on each and every head of sheep or any other live stock brought into such county for the purpose of grazing as aforesaid; **provided, however,** that the said payment of forty cents per head on cattle and ten cents per head upon sheep and other live stock, shall at the end of such year be returned to the said person paying the same upon the showing that he has paid the regular annual tax in that county for that year, upon all of said property the same as other persons have paid upon like property permanently located in this State; or such portion of said payment shall be returned as may exceed the amount of regular county taxes, for the said year; **provided,** that such rebate shall be paid in a county warrant or certificate of indebtedness, issued by order of the board of county commissioners of said county; and, **provided,** further, that any person so bringing any live stock into any county of this state from any other state or territory, in the manner hereinbefore provided, in lieu of the payment of the said forty cents on each and every head of cattle, and ten cents per head for each and every head of sheep or other live stock, may execute a bond to said county, with two or more securities to be approved by the county treasurer, conditional that such person will regularly list the said live stock for taxation in such county for that year, in the manner provided by law, and will punctually pay all taxes which may become due thereon during that year, and in such case the said charge of forty cents per head upon cattle and ten cents per head upon sheep and other live stock shall not be collected. (Act approved March 14, 1901, § 4.) (7th Sess. 58-9.)

2535. **Penalties.**—Any person named in § 2532 (2) of this Act, or his agent, who shall bring any live stock into this state for grazing purposes, and shall keep and herds the same in any county of the state without first filing said certificate, and without paying the amount of money per head, as hereinbefore provided, or giving the bonds named in § 2534 (4) of this Act, shall be fined in a sum of not less than ten dollars

nor more than one hundred dollars and shall further forfeit and pay the sum of fifty cents for each and every head thereof, for the use of said county, which said forfeit shall be collected by a civil action in the name of the county in which the said live stock are, or were so kept and herded. (Act approved March 14, 1901, § 5.) (7th Sess. 59.)

2536. **Action to recover penalties.**—It shall be the duty of the county commissioners of the county in which such live stock shall be kept and herded without having first complied with the provisions of this Act, upon receiving satisfactory information of such facts, to institute such civil action in the name of the county, against the persons so keeping or herding such live stock or his agents. If the owner of such live stock be not known to such commissioners it shall be lawful to make the agent of such person, or any person having the care and custody of such live stock the defendant in such action, and service of the summons upon such agent, or person having the care and custody of such live stock, shall be considered and held to be personal service upon the owner thereof. (Act approved March 14, 1901, §6.) (7th Sess. 59-60.)

2537. **Removal with intent to evade payment.**—If any person having the care and custody of such live stock shall, pending an action instituted as provided in the last section, drive or move said live stock out of the county with intent to move the same out of the state, or with intent to evade the payment of the forfeiture hereinbefore named, upon affidavit to that effect being made and filed in an action brought to recover said forfeiture or tax herein provided, writs of attachment may issue as in civil actions and the proceedings therein shall be as in other cases, except that no undertaking on attachment shall be required; and in addition thereto, any person so driving or moving such live stock shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, and by imprisonment in the county jail for not exceeding six months, for each and every offense. (Act approved March 14th, 1901, § 7.) (7th Sess. 60.)

2538. **Duty of board of equalization.**—In addition to the other duties prescribed by law, the assessor of each county is hereby required to present to the board of equalization of each county, a statement setting forth such live stock and all

other property which has not been assessed, or which has been assessed for less than its correct value, by reason of erroneous reports, and it shall be the duty of said board of equalization to immediately, while sitting as such board, investigate and in the advent that the person owning such property has been assessed for a smaller amount of property, or a less valuation than should properly have been given, to correct such assessment in the manner provided for the correction of assessment by the board of equalization. (Act approved March 14, 1901, § 8.) (7th Sess. 60.)

2539. **Failure of officer to perform duty. Penalties.**—Any county officer or member of the board of county commissioners or board of equalization, who shall fail to perform the duties prescribed in this act, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty five dollars, nor more than five hundred dollars. (Act approved March 14th, 1901, § 9.) (7th Sess. 60.)

Chapter 125.

An Act to Provide for the Assessment of Livestock, Creating a Migratory Stock Fund, and Providing for the Collection and Distribution of Texas Thereon.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All livestock kept, fed, pastured, ranged, or grazed, or which does range or graze in more than one county of the State during any year, shall be assessed for taxation in the county in which it is found at the time fixed by law for the assessment of all property in the State, and such county in which such livestock is so assessed, or liable to be assessed, shall be known as the home county, and at the time of the assessment of a herd or band of livestock, the owner thereof, or his agent, shall make and deliver to the assessor a written statement, under oath, showing the proper description and different kinds of such livestock within the county, belonging to him or under his charge, with their marks and brands, and showing the full time during the current year that such livestock, and every part, portion and kind thereof, has been, and will be within the county, and such livestock and the owner thereof shall be liable to the said county for the taxes thereon, as other property is liable.

Section 2. Whenever such livestock is removed, kept, fed, or pastured, or permitted to range or graze, or does range or

graze in any county other than its home county, the owner thereof, or the person in charge, or his agent, shall, within fifteen days from the time any such stock enters such other county, deliver to the assessor of such county, and to the assessor of the home county, a written statement, under oath, similar in all respects, as far as practicable to the statement required at the time of the assessment.

Section 3. Each county of the state in which livestock is kept, fed, or pastured, or in which it is permitted to range or graze, or does range or graze, is entitled to receive the taxes on said property, in proportion to the time that the same is in such county, and the county to which said livestock is so removed shall be entitled to receive and recover from the home county the taxes collected on said stock, in proportion to the time for the current year such stock is so kept, fed, or pastured, or does range or graze in the county other than where said livestock is assessed.

Section 4. The assessor shall indicate on the assessment roll livestock which has, or will be kept, fed, pastured, ranged or grazed in more than one county, and the treasurer, on collecting the taxes thereon in the county in which the same is assessed, shall remit the portion levied for state purposes, as in case of other taxes levied by the State of Montana, and he shall place the remainder of the tax in a separate fund, known as the migratory stock fund, which shall be subject to distribution, as hereinafter provided.

Section 5. At the regular meeting in March of the Board of County Commissioners, the assessor of such county shall transmit to the Board all information filed with him or in his possession, concerning stock assessed, wherein the taxes are to be apportioned between two or more counties, and the Board of County Commissioners shall proceed, on receipt of such information, to distribute said migratory stock fund, in proportion to the time said stock has been in each of such counties, as above provided, and order warrants drawn in favor of the counties entitled to receive a portion of the said taxes against such migratory stock fund, and the portion remaining, belonging to the home county, shall be distributed on the order of the Board of County Commissioners to the proper fund, according to the tax levy made during the year such assessment was levied, and the Board shall make a like

distribution of all moneys received from other counties, under the provisions of this Act.

Section 6. No County, by reason of the removal of stock from the home county after assessment, shall be entitled to receive a portion of the taxes collected by reason of said livestock being fed, pastured, ranged or grazed in a county other than the home county because of the change of ownership of said livestock at the time of its removal, or while being fed or pastured in a pen, field or enclosure.

Section 7. Any person or persons, company or corporation, who is the owner, or has in charge any livestock within this State, who refuses to make the statement or statements as provided in Section One of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding One Hundred Dollars.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1909.

Chapter 49.

"An Act Providing for the establishment of a Tax Levy on Live Stock for the purpose of Paying Bounties on Wild Animals, and for Stock Inspection, Protection, and Indemnity purposes, and providing a method thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. A tax levy is hereby authorized on all livestock in this state for the purposes of paying bounties for the killing of wild animals injurious to the stock industry in this state, and for the purpose of Stock Inspection, Stock Protection, and Stock indemnity, as may be provided by law.

Section 2. The State Board of Equalization is hereby empowered and it is made its duty annually to prescribe the levy to be made against live stock of all classes for the purposes above indicated.

Section 3. The levy authorized to be made for Stock Indemnity, Inspection and Protective purposes shall not exceed one half a mill on the dollar upon the assessed valuation of all livestock, and the money so levied and collected shall be annually transmitted with other taxes for state purposes to the State Treasurer by the County Treasurer of each County, and

shall be by the State Treasurer apportioned between the Stock Inspection and Detective Fund, and the Sheep Inspection and Indemnity Fund in proportion to the amount of taxes paid upon sheep as compared to other livestock. In other words the revenue derived from taxes on sheep shall be by the Treasurer placed to the credit of the Sheep Inspection and Indemnity Fund, and taxes paid upon other livestock shall be by the Treasurer credited to the Stock Inspection and Detective Fund.

Section 4. The levy authorized to be made for the bounty fund shall not exceed three and a half mills on the dollar upon the assessed valuation of all livestock, and the money so levied and collected shall be transmitted annually with other taxes for state purposes to the State Treasury by the County Treasurer of each County, and shall be by the State Treasurer placed to the credit of the Bounty Fund, and such money shall thereafter be paid out only on claims duly and regularly presented to the State Board of Examiners in accordance with the law for the payment of bounties for the killing of wild animals.

Section 5. The funds derived by the levy herein provided for bounty purposes shall be used and applied only in payment of claims for bounties for the killing of wild animals after the passage and approval of this Act, and such funds shall not be used to pay any bounty claims now outstanding against the state.

Section 6. All claims for bounties made against the state hereafter, if passed, allowed and not paid within a period of thirty days after presentation, shall be registered in the office of the State Board of Examiners in a book to be provided for such purpose, and thereafter shall bear interest at the rate of four (4%) per cent. per annum until paid.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1911.

RAILROADS, STOCK KILLED BY.

4308. **Fences and cattle guards.**—Railroad corporations must make and maintain a good and legal fence on both sides of their track and property, and maintain, at all crossings, cattle

guards over which cattle or domestic animals cannot pass. In case they do not make and maintain such fence and guards, if their engines or cars shall kill or maim any cattle or other domestic animals upon their line of road, they must pay to the owner of such cattle or other domestic animals, in all cases, a fair market price for the same unless it occurred through the neglect or fault of the owner of the animal so killed or maimed. **Provided**, that nothing herein shall be construed so as to prevent any person, or persons, from recovering damages from any railroad corporation for its negligent killing or injury to any cattle, or other domestic animals, at spurs, sidings, Y's, crossings and turn tables. (Act approved March 1, 1907.) (10th Sess. Chap. 59.)

4309. (§ 951.) **Liable for injury from negligence.**—Every railroad corporation or company operating any railroad, or branch thereof, within the limits of this state, which shall negligently injure or kill any horse, mare, gelding, filly, jack, jenny, or mule, or any cow, heifer, bull, ox, steer, or calf, or any other domestic animal, by running any engine or engines, car or cars, over or against any such animal, shall be liable to the owner of such animal, for the damages sustained by such owner by reason thereof. The killing or injury shall be prima facie evidence of negligence on the part of such corporation or company.

4310. (§ 952.) **Right of way shall be clear from dead grass.**—It shall be the duty of all railroad corporations or railroad companies operating any railroad within this state to keep their railroad track, and either side thereof, for a distance of one hundred feet on each side of the track or roadbed, so far as it passes through any portion of this state, free from dead grass, weeds or any dangerous or combustible material; and any railroad company or corporation failing to keep its railroad track and each side thereof free as above specified shall be liable for any damages which may occur from fire emanating from operating such railroad, and a neglect to comply with the provisions of this section in keeping free any railroad track, and either side for a distance equal to the space of ground covered by the grant of the right of way for the railroad corporation or company, shall be prima facie evidence of negligence on the part of any such railroad corporation or company. But no railroad corporation or company shall be

required to keep free as above specified any land not a part of its right of way.

4311. **Designation of stations where records are kept.**—It shall be the duty of any corporation, association, company, person or persons owning, controlling or operating any railroad, or branch thereof, in this state, to designate some station on the line of the same, in each county through which it passes, at which it shall keep a suitable book, and within thirty days after the killing or injuring of any animal or animals, to cause to be entered therein the date when, and the place where the same were killed or injured, as near as may be, together with a description thereof, including the age, color and sex of the same, and marks and brands, upon the same as near as the same can be done, which said book shall be kept for the inspection of any person or persons claiming to be interested in the inspection thereof and shall cause a notice of the station so designated to be filed with the county clerk of the county in which said station is situated; **Provided**, that when such railroad or branch thereof shall run to or through any town or station at which is located the county seat of any county, then such books shall be kept at such town or station at which said county seat is located, and the affidavit provided for by Section 4313 (955) of this Code as amended by an Act entitled "An Act to amend Section 955 of Chapter III, Title VIII, Part IV, Division I, of the Civil Code of Montana relating to livestock killed or injured and to add to said Chapter a Section to be known as Section 955," approved March 6, 1903, may be served on the agent of such station. (Act approved February 21, 1905.) (9th Sess. Chap. 29.)

4312. (§ 954.) **Penalty.**—Any corporation, association, person or persons so owning, controlling or operating such railroad or branch thereof, failing to designate said station, file said notice, keep said book and make the entry as provided in the preceding section, shall be liable to the owner or owners of the animal or animals so killed or injured, whether negligently done or not, and the court or jury before whom any action is tried for the recovery of damages on account thereof, may, in its or their discretion, render verdict and judgment for the amount of the value of any such animal or animals so killed, or the amount of damages sustained by reason of injury thereto.

4313. **Affidavit of ownership and value.**—In case any corporation, association, or company, person or persons shall comply with the provisions of Section 4311 (953), of this Chapter, it shall be the duty of the owner or owners of any animal or animals, killed or injured as aforesaid, or his agent, or their agent, within thirty days after information shall have reached him or them of the killing or injury of such animal or animals, to make affidavit of such ownership and the market value of the animal or animals, so killed, or the amount of damages occasioned by such injury, and deliver the same to the person in charge of the said book or station, so designated, and thereupon said corporation, association, company, person or persons, shall have fifty days within which to pay the amount claimed, and no action shall be instituted for the recovery of the value of or damages to such animal or animals until the expiration of said time. And whenever any of the livestock referred to in this Chapter shall be injured or killed, as therein recited, and the owner or owners thereof, shall thereafter institute an action for the recovery of the loss or damage so sustained by him, or them, the Court in which such action shall be brought shall, if the plaintiff in such action recover a judgment against the defendant therein, tax, as part of the costs therein, a reasonable sum to be fixed by the Court as a fee to the plaintiff's attorney for conducting said action, which said fee, so fixed and allowed, shall be paid by or collected from the defendant in such action in like manner as other costs, **provided**, that no such fee shall be allowed by the Court or collected from the defendant when it shall appear from the pleadings or proof in any such action that the defendant prior to the institution of such action, offered or agreed to pay to the plaintiff therein, in settlement of the loss or damages claimed a sum equal to or in excess of the amount, recovered as damages in said action. (Act approved March 6, 1903.) (8th Sess. Chap. 101.)

4314. (§ 956.) **Company may deposit value of animal.**—If any corporation, association, company, person or persons, so owning, controlling, or operating any such railroad or branch thereof, shall kill or injure any animal or animals as aforesaid, and shall tender to the owner or owners thereof, or to his or their agent in that behalf, the amount which they shall deem to be the value thereof or the damage thereto, as the case may be; or if said railroad, corporation, association, company, person or persons, shall deposit with the board of stock com-

missioners such amount for the owner or owners thereof; and such owner or owners, or his or their said agent shall refuse to accept the same in settlement thereof, then such owner or owners shall pay all costs incurred in any action instituted, after such tender or deposit, to recover such value or damage, unless he or they shall recover therein more than the amount so tendered as aforesaid.

4315. Recovery by the secretary of the state board of stock commissioners.—That where live stock are killed by railroad corporations in violation of Section 4308 (950) of the Civil Code, as amended by Chap. 29, Laws of 1905, in the event the owner of any such livestock shall not claim or assert claims against any such railroad or railroad corporation for the value of the livestock so killed within six months from the date they are killed, the Secretary of the State Board of Stock Commissioners is hereby authorized to demand and receive from such railroad or railroad company payment in damages for such live stock, and the said Board of Stock Commissioners are hereby authorized and empowered to prosecute in the name of the State, actions against such railroad or railroad companies in any court of competent jurisdiction to recover damages in the event of the failure, neglect or refusal of such railroad or railroad companies to make payments of the amount of the claim upon demand as herein provided. The money so recovered shall be paid over to the Secretary of the State Board of Stock Commissioners and shall be by him placed and held in a separate fund and disposed of as herein provided. Such money shall be held by the Secretary of the State Board of Stock Commissioners for a period of two years after the date of its receipt, and in the event that the lawful owner of the animal killed does not present and prove his claim to the net proceeds received from the animal killed within said time the same shall be paid over to the State Treasurer of the State of Montana, and be by him placed to the credit of the Stock Indemnity Fund. However, should the owner of the animal killed present and prove his claim within the time herein provided, the Secretary of the State Board of Stock Commissioners, of said Board are hereby authorized and empowered to pay such claimant the amount of money to which he is entitled for the animal or animals so killed by any railroad or railroad company, the damages for which have been collected by

the said board of Stock Commissioners or the Secretary thereof as provided in this Act. In all actions prosecuted for the recovery of the value of live stock killed under the provisions of this Act the plaintiff shall recover all costs. In the event the owner of any animal or animals killed has not presented his claim against the railroad or railroad company which caused the same to be killed, any settlement made or obtained by the State Board of Stock Commissioners or the Secretary thereof shall constitute a bar as against any action by the owner of such animal or animals. (Act approved March 9th, 1907.) (10th Sess. Chap. 183.)

4316. (§ 957.) **Penalty for driving animal or animals upon track.**—If the owner or owners or his or their duly authorized agent or agents of any animal or animals heretofore mentioned, shall drive the same upon the track of any such corporation, association, company, person or persons with the intention to injure it or them, and such animal or animals shall be killed or injured, such owner or owners shall be liable for the injury or damage occasioned by reason of such act, and shall be punished as provided in the Penal Code.

4317. (§ 958.) **Carcass and hide of animal.**—In all cases where any corporation, association, company, person or persons, shall be liable to the owners of any animal killed as provided in this chapter, they shall be authorized to skin the same, and shall be entitled to the carcass and hide thereof, unless the owner or owners thereof shall claim the same, in which event the amount of the value thereof shall be deducted from the amount of damages which would otherwise be due. But in case such corporation, association, company, person or persons, so entitled thereto, shall take said carcass and hide, and shall skin such animal or animals and deposit the hide thereof at the station designated for keeping the book and making the entries hereinbefore provided for, during the space of sixty days, for the inspection of persons claiming to be interested therein.

4318. (§ 959.) **Regulations concerning fences.**—That any railroad corporation or lessee, person, company or corporation operating any railroad in this state which may hereinafter fence their right of way, shall make crossings through their fence and over their roadbeds along their right of way, every four miles thereof or as near thereat as may be practicable. (Act approved March 2, 1893.)

4319. (§ 960.) **Cattle guards.**—Such opening shall not be less than sixty feet in width. Said railroad company or lessee, person, company or corporation operating any railroad shall place cattle-guards on either side of the said opening, sufficient to prevent any cattle from entering upon the said right of way enclosed. (Act approved March 2, 1893.)

4320. (§ 961.) **Openings under trestles.**—That the said railroad, lessee, person or company operating any railroad in addition to said openings, shall leave unfenced any places where the said railroad runs over trestles that are sufficiently high for cattle to go underneath the same. (Act approved March 2, 1894.)

4321. (§ 962.) **Limitations.**—The provisions of this bill shall only apply to grazing country. (Act approved March 2, 1893.)

4322. (§ 963.) **Penalty.**—Any railroad corporation or lessee, person, company or corporation operating any railroad in this state violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined in a sum not less than one hundred dollars and not more than five hundred dollars. (Act approved March 2, 1893.)

8561. (§ 720.) **Animals killed by railroads.**—Except as otherwise provided, every person who violates any of the provisions of Chapter III., Title VIII., Part IV., Division I., of the Civil Code, relating to live stock killed or injured by railroads, is guilty of a misdemeanor.

RAILROADS, FIRES.

4360. **Fire guards.**—That every railroad corporation operating its lines of road or any part thereof within this state, shall, between the 15th day of April and the 1st day of July, in the year 1903 and each succeeding year thereafter, plough in a good and workman like manner, covering the sod well upon each side of its line of road wherever it passes through a range or grazing country, a continuous strip of not less than six feet in width on each side of its track, as a fire-guard, which said strip shall as near as practicable run parallel with the line or lines of said railroad, and in addition to said ploughing, said railroad company shall cause to be burned between the fifteenth day of July, and the fifteenth day of September of each

year, all the grass and vegetation between the said ploughed strip and the line of fifty (50) feet inside said ploughed strips; **Provided**, that such fire-guard so ploughed and burned need not be constructed within the limits of any town, village, or city, nor in private fields, under cultivation nor along the line of said railroad whenever the same runs through the mountains or else where such ploughing or burning should be practicable; **and provided further**, that said-guard or portion thereof, need not be ploughed or burned on or through any lands which may be released from the operation of this act by the Board of County Commissioners, of the county wherein such land is situated by their written certificate of release filed in the office of the County Clerk of the said County; **Provided further**, that said ploughing be not less than three hundred (300) feet from the center of the railroad track on each side of same. Except in cases of cultivated fields and then such ploughing and burning shall be done closer to such railroad but not less than seventy feet from its center track. (Act approved March 5th, 1903, (§ 1.) (8th Sess. Chap. 63.)

4361. **County commissioners may plough guard and recover expense.**—That if any railroad company fails to comply with any of the provisions of Section 1 of this Act the Board of County Commissioners of the county wherein such violation occurs shall cause the neglected ploughing or burning or both therein provided for, to be done, and may in a suit to be brought in their name, as said board, in the District Court having jurisdiction, recover double the amount of the cost of such ploughing or burning or both with reasonable attorney fees to be fixed by the Court, and such railroad company shall be liable further for all damages caused by his failure to comply with this act. (Act approved March 5th, 1903, § 2.) (8th Sess. Chap. 53.)

RAILROADS, DRIVING CATTLE ON.

8865. (§ 1191.) **Driving cattle on railroad.**—Every person who wilfully drives any animal upon any railroad track with intent to injure the corporation or persons owning the railroad, and such animal is killed or injured thereby, is punishable by imprisonment in the state prison not exceeding five years.

LIENS, STALLIONS AND PASTURAGE.

5805. (§ 3935.) **Lien for service.**—Every person who, while lawfully in possession of an article of personal property, renders any service to the owner thereof by labor or skill employed for the making, repairing, protection, improvement, safe-keeping, or carriage thereof, have a special lien thereon, dependant on possession, for the compensation, if any, which is due to him from the owner for such service. A ranchman, farmer, agister, herder, hotel keeper, livery, boarding or feed stable keeper, to whom any horses, mules, cattle, sheep, hogs or other stock are intrusted, and there is a contract, express or implied, for there keeping, feeding, herding, pasturing or ranching, has a lien upon such stock for the amount due for keeping, feeding, herding, pasturing or ranching the same, and is authorized to retain possession thereof until the sum due is paid, and may enforce his lien as in the case of a pledge.

5813. (§3943.) **Stallion keeper must file statement.**—That every owner or agent who may have the custody or control of any stallions, who shall charge a fee for the service of such stallion, shall, before advertising or offering such services to the public for any fee reward or compensation, file with the clerk of the county in which owner or owners or agents reside, or where such stallion shall be kept for service, a written statement, giving the name, age, pedigree and record if known, if not, that the same is unknown, description, term, and conditions upon which said stallion will serve. Upon filing such statement the county clerk shall issue a certificate or license to owner or owners or agents, having custody and control of such stallion, that such statement has been filed in his office; the owner or owners or agents of such stallion shall then post a written or printed notice in a copy of the statement so filed with the county clerk in a conspicuous place in each locality in which said stallion shall be kept for service. (Act approved February 25th, 1893.)

5814. (§ 3944.) **Fraudulent pedigrees; penalties.**—Every owner or agent who shall proclaim or publish a false or fraudulent pedigree or record or statement of any kind regarding any stallion, or who shall neglect or refuse to comply with the provisions of § 5813 of this act, shall forfeit all fees for the services of such stallion and the person or persons who have been deceived or defrauded by such false or fraudulent pedigree or

record or statement, may sue and recover in any court having jurisdiction, such damages as may be shown to have been sustained by reason of false representation and fraud. (Act approved February 25th, 1893.)

5815. (§ 3945.) **Lien for service of stallion.**—Whenever the owner or agent of any stallion shall have complied with the foregoing provisions of this act, the services of such stallion shall become a lien on each mare served, together with a foal of such mare served from such service in an amount agreed upon between the parties at the time of service; or if no agreement was entered into by them in such amount as specified as service fee of stallion or stallions in the statement of the owner or agent filed with the county clerk; **Provided**, a notice of lien shall be filed within twelve months after such service; such lien shall terminate at the end of the year from the date of filing notice thereof, unless within that time an action shall be commenced for the enforcement thereof. (Act approved February 25th, 1893.)

CRIMES.

8836. (§ 1163.) **Stallion running at large.**—Every person who owns a stud horse, ridgeling, or unaltered male mule or jackass over the age of eighteen months, and allows the same to run at large, is punishable by fine not exceeding fifty dollars. Any person may take any such animal, and if the same is not claimed in five days, may castrate him at the expense of the owner.

8838. (§ 1165.) **Swine running at large.**—That hereafter it shall be unlawful for any owner or owners of swine to permit the same to run at large. (Act approved March 6, 1895.)

8839. (§ 1166.) **Penalties.**—Any person or persons violating § 8838 (1165), of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in the sum of ten dollars for the first offense and in the sum of twenty dollars for each subsequent offense and shall be liable to damage to any party injured thereby, to be recovered in any court having competent jurisdiction. (Act approved March 6, 1895.)

8528. (§ 697.) **Death from mischievous animals.**—If the owner of a mischievous animal, knowing its propensities, willfully suffers it to go at large, or while not kept with ordinary care, and such animal while so at large, or while not kept with

ordinary care, kills any human being who has taken all the precautions which the circumstances permitted, or which a reasonable person would ordinarily take in the same situation, is guilty of a felony.

TRESPASSING STOCK.

8474. **Trespassing stock.**—It shall be unlawful for any person or persons to wilfully drive, or cause to be driven, any live stock held in herd, on or over any field, ranch property or valid claim in process of title under any of the land laws of the United States, or under lease from the State of Montana, whether the same be fenced or not; **provided**, that any lands so owned, or under process of title, or under lease, and not fenced, shall be clearly defined by suitable monuments or stakes, and plough furrows, with printed or written notices indicating the lands so held. (Act approved March 6, 1903, § 1.) (8th Sess. Chap. 103.)

8475. **Same. Penalty.**—For any violation of the provisions of this Act, such stock so driven, or herded, or permitted to enter upon the property referred to under § 8744 (1) of this Act, shall, upon complaint to any magistrate or court of record, of the owner, or claimants under any of the land laws of the United States, or of the State, be subject to the payment of a fine not less than Twenty-Five Dollars (\$25.00), nor more than Five Hundred Dollars (\$500.00), and the costs of such proceedings. (Act approved March 6, 1903, § 2.) (8th Sess. Chap. 103.)

SHEEP ABANDONMENT.

Chapter 116.

“An Act Prohibiting the Abandonment of Sheep by Herders and others, fixing Penalties therefor.”

Section 1. Every person who, having, by virtue of his employment as herder, driver or otherwise, the charge or custody of any sheep, shall wilfully abandon the same, or allow them to stray from his charge or custody, shall, upon conviction, be punished by a fine of not less than One Hundred Dollars, or by imprisonment of not less than three months nor more than one year, or by both such fine and imprisonment; **Provided**, that if the person so in the charge or custody

of such sheep shall have given to the owner of such sheep, or his authorized agent, at least five days notice of his intention to quit his employment, he shall not be deemed to have abandoned such sheep, within the meaning of this act, by leaving the same after expiration of such period.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 8, 1909.

ESTRAYS, TAKING UP.

Chapter 126.

"An Act Providing Penalties for the Taking up, Using or Disposing of Horses, Mules, or Asses contrary to law."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any person, persons, corporation or company, who shall take up or retain in his or their possession, any mare, gelding, colt; foal, filly, mule, jack or jennet, the owner of which cannot with reasonable diligence be found, or of which he is not the owner, without the owners knowledge or consent, or who shall in any manner restrain from liberty for the purpose or purposes of using or making use of such animal without the knowledge and consent of the owner, shall be guilty of a misdemeanor and shall be punishable by a fine of not less than Fifty (\$50.00) dollars nor more than One Hundred (\$100.00) Dollars, or by imprisonment in the county jail not exceeding sixty days, or by both such fine and imprisonment.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved March 8, 1909.

NUISANCES.

8484. (§ 676.) **Putting dead animals in streets, rivers, etc.**—Every person who puts the carcass of any dead animal, or the offal from any slaughter-pen, corral or butcher shop, into any river, creek, pond or reservoir, stream, street, alley, public highway or road in common use, or who attempts to destroy

the same by fire within one-fourth mile of any city, town or village, and every person who puts the carcass of any dead animal, or any offal of any kind in or upon the borders of any stream, pond, lake or reservoir, from which water is drawn for the supply of the inhabitants of any city or town in this state, so that the drainage from such carcass or offal may be taken up by or in such stream, pond, lake or reservoir, or who allows the carcass of any dead animal, or any offal of any kind, to remain in or upon the borders of any such stream, pond, lake or reservoir within the boundaries of any land owned or occupied by him, or who keeps any horses, mules, cattle, swine, sheep or live stock of any kind, penned, corralled or housed on, over or on the borders of any such stream, pond, lake, or reservoir, so that the waters thereof shall become polluted by reason thereof, is guilty of a misdemeanor, and upon conviction thereof shall be punished as prescribed in § 8485 (677 of this Code.

Van Horn v. Ricks W. Co., 115 Cal. 450; 47 Pac. 361.

8492. **Slaughter of big jaw or diseased cattle for food.**—Any person who shall slaughter, sell or offer for sale for the purpose of food, any cattle having a big jaw or any other disease, shall be guilty of a misdemeanor and be punishable by a fine of not exceeding Five Hundred Dollars or be imprisoned in the county jail not exceeding one year, or by both such fine and imprisonment. (Act approved March 9th, 1901.) (7th Sess. 163.)

8506. **Killing or selling meat of calf less than four weeks old.**—Whoever kills, or causes to be killed, for the purpose of sale, a calf less than four weeks old, or knowingly sells or has in his possession, with intent to sell for food, the meat of such calf, shall be fined not exceeding fifty (\$50.00) dollars, or be imprisoned not exceeding thirty days in the county jail, or both such fine and imprisonment. (Act approved March 8, 1907, § 14.) (10th Sess. Chap. 175.)

8520. (§ 688.) **Riding or driving faster than a walk on public bridges.**—Every person who wilfully rides or drives faster than a walk, on or over, any public bridge, and every person who drives any loose stock, such as horses, mules or cattle over any public bridge in a larger number than fifteen head at a time, is punishable by a fine not exceeding twenty dollars.

8526. (§ 695.) **Fraudulent practices to affect the market price.**—Every person who wilfully makes or publishes any

false statement, spreads any false rumor, or employs any other false or fraudulent means or device, with intent to affect the market price of any kind of property, is guilty of a misdemeanor.

8531. (§ 700.) **Using or exposing animal with glanders.**—Any person who shall knowingly sell or offer for sale or use, or expose, or who shall cause or procure to be sold or offered for sale, or used, or exposed, any horse, mule, or other animal having the disease known as glanders, farcy, or any contagious disease, or violates any of the provisions of § 1900 (3063) of the Political Code, is guilty of a misdemeanor.

8532. (§ 701.) **Animal having glanders to be killed.**—Every animal having glanders or farcy, shall at once be deprived of life by the owner or person having charge thereof, upon discovery or knowledge of its condition; and any such owner or person omitting or refusing to comply with the provisions of this Section, is guilty of a misdemeanor.

LARCENY.

8645. **Grand larceny defined.**—Grand Larceny is larceny committed in either of the following cases:

3. When the property taken is a stallion, mare, gelding, colt, foal or filly, cow, steer, bull, stag, heifer, calf, mule, jack, jenny, goat, sheep, or hog.

4. If any person or persons, shall steal or with intent to steal, shall take, carry, drive, lead or entice away any mare, gelding, stallion, colt, foal or filly, mule, jack or jenny, ox, cow, bull, stag, heifer, steer, calf, sheep goat or hog, being the property of another, he or they shall be deemed guilty of grand larceny; and shall be liable to the person or persons, whose property is so stolen, for the said property or the value thereof, and for any expenses by him or them incurred in endeavoring to make reclamation thereof. (Act approved February 23rd, 1897.) (5th Sess. Chap. 347.)

8647. (§ 885.) **Punishment of grand larceny.**—Grand larceny is punishable by imprisonment in the state prison for not less than one nor more than fourteen years.

8655. (§ 893.) **Larceny and receiving stolen property out of the state.**—Every person who, in another state or country, steals the property of another, or receives such property know-

ing it to have been stolen, and brings the same into this state, may be convicted and punished in the same manner as if such larceny or receiving had been committed in this state.

8662. (§ 899.) **Receiver of stolen property.**—Every person who for his own gain or to prevent the owner from again possessing his own property buys or receives any personal property, knowing the same to have been stolen, is punishable by imprisonment in the state prison not exceeding five years or in the county jail not exceeding six months; and it is presumptive evidence that such property was stolen if the same consists of jewelry, silver or plated ware or articles of personal ornament, if purchased or received from a person under the age of eighteen unless said property is sold by said minor at a fixed place of business carried on by said minor or his employer.

FIRES.

8768. (§ 1071.) **Setting fire to timber, etc., negligently.**—Every person who carelessly sets fire to any timber, woodland or grass, except for useful or necessary purposes, or who at any time makes a camp-fire, or lights a fire for any purposes whatever without taking sufficient steps to secure the same from spreading from the immediate locality where it is used, or fails to extinguish such fire before leaving it, is punishable by imprisonment in the county jail not exceeding one year, or by fine not exceeding two thousand dollars, or both.

8769. (§ 1072.) **Setting fire to timber, etc., maliciously.**—Every person who wantonly or designedly sets fire to any timber, woodland or grass, or maliciously fails to extinguish a fire after making the same for a necessary purpose, before leaving it, is punishable by imprisonment in the state prison not exceeding five years, or by fine not exceeding five thousand dollars, or both.

CRUELTY TO ANIMALS.

8774. (§ 1090.) **Overdriving animals.**—Every person who overdrives or overloads, tortures or cruelly beats or unjustifiably injures, maims, mutilates or kills any animal, whether wild or tame, and whether belonging to himself or another, or deprives any animal of necessary food or drink, or neglects or

refuses to furnish it such food or drink, or causes, procures or permits any animal to be overdriven, overloaded, tortured, cruelly beaten or unjustifiably injured, maimed, mutilated or killed, or to be deprived of necessary food or drink, or who wilfully instigates or in any way engages in any act of cruelty to any animal, is guilty of a misdemeanor.

8775. **Abandonment of disabled animals.**—Every person being the owner, or in possession or having charge or custody of a maimed, diseased or infirm animal, who abandons and leaves such animal to die in the street, highway or public place, is guilty of a misdemeanor and such animal may be killed by any sheriff or peace officer in a humane manner, and the owner shall be liable for the necessary care of such animal while living and for the cost of disposing of the carcass: (Act approved February 25, 1905.) (9th Sess. Chap. 35.)

8776. (§ 1092.) **Failure to provide proper food and drink to impounded animals.**—Every person who has impounded or confined any animal and refuses and neglects to supply such animal, during its confinement, with sufficient food, shelter and water, is punishable by imprisonment in the county jail not exceeding thirty days, or by a fine not exceeding one hundred dollars; or both.

8777. (§ 1093.) **Carrying an animal in a cruel manner.**—Every person who carries, or causes to be carried, in or upon any car, vessel or vehicle, or otherwise, any animal in a cruel manner, or so as to produce torture, is guilty of a misdemeanor.

POISONING ANIMALS.

8778. (§ 1094.) **Poisoning animals.**—Every person who wilfully administers any poison to an animal the property of another or maliciously exposes any poisonous substance with the intent that the same shall be taken or swallowed by any such animal is punishable by imprisonment in the state prison not exceeding three years or in the county jail not exceeding one year, or by a fine not exceeding five hundred dollars, or by both fine and imprisonment.

POISONING STOCK OR MALICIOUSLY KILLING.

8781. **Killing, maiming or poisoning live stock.**—Every person who wilfully and maliciously kills or maims any live stock

of whatsoever kind, character or description, not his own, by whatsoever means, or who wilfully and maliciously places upon the public ranges or any other lands except his own enclosed tract or tracts, any poison, poisonous substance, or other thing known to be injurious or harmful, or likely to produce the death of any live stock of whatsoever kind, character or description, not his own, is guilty of a felony, and upon conviction shall be punished by not less than one nor more than ten years imprisonment in the state prison. This Act is not intended to prevent or restrict the right of any person to use poison in carcasses or bait on the public range, for the purpose of poisoning coyotes, wolves or other animals destructive to live stock. (Act approved February 27th, 1903.) (8th Sess. Chap. 37.)

KEEPING COWS IN UNHEALTHY PLACES.

8779. (§ 1095.) **Keeping cows in unhealthy places.**—Every person who keeps a cow or any animal for the production of milk in a crowded or unhealthy place or in a diseased condition, or feeds such cow or animal upon any food that produces impure or unwholesome milk, is punishable by imprisonment in the county jail not exceeding three months or by fine not exceeding two hundred dollars, or both.

BULL OR COCK FIGHTS.

8780. (§ 1096.) **Promoting fights between animals.**—Every person who instigates, promotes or carries on, or does any act as principal, assistant, referee or umpire, or is a witness of or in any way aids in the furtherance of any fight between cocks or other birds, or dogs, bulls, bears, or other animals premeditated by any person owning or having custody of such birds or animals is punishable by imprisonment in the county jail not exceeding three months or by fine not exceeding two hundred dollars, or both.

DRIVING WITHOUT UNIFORM BRAND.

8851. (§ 1178.) **Branding animals driven through the state.**—Every person who owns or has charge of any horses, cattle or sheep which are driven into or through any part of this state, and fails to plainly brand or mark the animals so driven, so that such animals may be readily distinguished from other

animals, is punishable by a fine not exceeding three hundred dollars.

8852. (§ 1179.) **Driven stock to be branded.**—All droves of horses, mules, cattle or sheep which may hereafter be driven from any other state or territory of the United States or any foreign country, into or through any county or counties of this state, shall be plainly branded or marked with one uniform brand or mark. (Act approved March 7, 1893.)

8853. (§ 1180.) **Road brand.**—All such horses, mules and cattle shall be so branded with one distinct ranch or road brand of the owner or owners so as to show distinctly in such place or places as the owner may adopt. (Act approved March 7, 1893.)

8854. (§ 1181.) **Sheep brands.**—All such sheep shall be marked distinctly with such mark or device as may be sufficient to distinguish the same readily should they become inter-mixed or mingled with other flocks of sheep in this state. (Act approved March 7, 1893.)

8855. (§ 1182.) **Penalties.**—Any such owner or owners, person or persons in charge of such drove of stock which may be driven into or through this state, who shall fail to comply with the provisions of this Act, shall be fined in a sum not less than fifty dollars, nor more than three hundred dollars together with costs of suit. (Act approved March 7, 1893.)

8856. (§ 1183.) **Duty of officers.**—It shall be the special duty of the county attorney, sheriff, and any constable of each and every county in this state, to enforce the provisions of this Act. (Act approved March 7, 1893.)

8857. (§ 1184.) **Fines, how disposed of.**—All fines collected under the provisions of this Act, shall be paid into the general school fund of the county in which judgment therefor is recovered. (Act approved March 7, 1893.)

THISTLES AND OBNOXIOUS PLANTS.

8871. (§ 1197.) **Canada thistles, etc.**—Be it enacted that the weeds known as the Canada thistle, the Scotch bull thistle and the Russian thistle are hereby declared to be a common nuisance for all purposes of this Act. (Act approved March 18th, 1895.)

8872. (§ 1198.) **Permitting thistles to go to seed.**—Any

person or persons owning any lands within this state, or occupying or having control of any lands, whether within the plat of towns, villages or cities, or otherwise, within this state, knowingly permitting or suffering any Canada, Scotch bull or Russian thistle or thistles to go to seed upon any land or lands thus owned, occupied or under control of such person or persons shall be deemed guilty of supporting and maintaining a common nuisance, and upon conviction thereof in any court of competent jurisdiction, of the offense, shall be punished by a fine not exceeding fifty nor less than five dollars. (Act approved March 18th, 1895.)

8873. (§ 1199.) **Landholders to destroy thistles.**—In case any person or persons, railroad or other corporation, owning or occupying any lands within this state, under his or her or their control, as the case may be, shall refuse or neglect to destroy any Canada, Scotch bull or Russian thistle or thistles growing or standing upon any land or lands so owned, occupied or controlled, on or before the fifteenth day of August it shall be the duty of the county commissioners, road supervisors, or other person or persons having control of the public highways, streets or alleys where any such thistle or thistles may be found growing or standing, to immediately destroy or cause the same to be destroyed, and pay therefor at the same rate that is paid for road labor; and every supervisor or other person hereinbefore authorized to destroy said thistles shall keep a correct account of all moneys paid out for that purpose, and charge the same to the person or persons or corporation owning, occupying or controlling the land or lands upon which such thistle or thistles were destroyed, and the person or persons or corporation owning, occupying or having control of such lands shall be liable in a civil action for the amount so charged against them and costs of suit; **Provided**, that if any supervisor or other person having, under the authority of this Act, destroyed any of the said thistles, and is unable to find the owner of the land, or is unable to collect such money, the same shall be paid by the authorities of the town, village, city or county where such thistles were destroyed; **and provided further**, that in case any railroad company becomes chargeable under the provisions of this Section, the supervisors of the township where same has become chargeable may certify to the same to the county attorney of their county, whose duty it shall be to bring

and prosecute a civil action against the railroad company for the amount so charged and costs of suit aforesaid. (Act approved March 18, 1895.)

8874. (§ 1200.) **Duties.**—It is hereby made the duty of every person having knowledge of any Canada, Scotch bull or Russian thistle or thistles growing or standing upon the lands of another to immediately destroy the same, or give the person owning or occupying such lands immediate notice thereof. (Act approved March 18, 1895.)

CARCASSES.

8841. (§ 1168.) **Removing skin from animal.**—Every person who removes the skin from an animal and leaves the carcass within one-quarter of a mile of a dwelling, is punishable by a fine not exceeding twenty-five dollars.

DISEASED SHEEP AND CATTLE DRIVING.

8842. (§ 1169.) **Scabby sheep.**—Every person who removes from one point to another in any of the counties of this state, or from one county to another, any scabby sheep, or any sheep that have been scabby within one year, without the written certificate of the sheep inspector, or the written consent of all the sheep owners or managers along the route, and in the vicinity of the proposed location, is punishable by a fine not exceeding one thousand dollars. This Section does not apply to scabby sheep imported into this state and against which quarantine has been declared.

8843. (§ 1170.) **Bringing infected animals into state.**—Every person who brings into this state sheep infected with scab or other infectious disease, or any horses, mules, asses or cattle infected with any contagious disease, is punishable by a fine not exceeding five hundred dollars.

8844. (§ 1171.) **Disobeying orders of state veterinary surgeon.**—Every person who fails to comply with or disregards any lawful order or direction made by the state veterinary surgeon, or deputy, or deputy sheep inspector, under the provisions of the Political Code, concerning scab and other contagious diseases among sheep, or to prevent the spread of disease among cattle, is punishable by a fine not exceeding five hundred dollars.

8845. (§ 1172.) **Receiving and transporting diseased sheep.**—Every person who, after the publication of the proclamation of the governor of this state prohibiting the importation of diseased sheep into this state, knowingly receives any such sheep from any of the prohibited districts, or transports the same within the limits of the state, is punishable by a fine not exceeding five hundred dollars.

8846. (§ 1173.) **Moving diseased sheep.**—Every person in charge of sheep being shipped into this state, against which quarantine has been declared, as specified in the last preceding Section, and fails to notify the deputy inspector of the county in which such sheep are brought, or allows any such sheep to pass over or upon any public highway, or upon the ranges occupied by other sheep, or within five miles of any corral in which sheep are regularly corralled, before such sheep are inspected as provided by law, is punishable by a fine not exceeding five hundred dollars.

8847. (§ 1174.) **Importing diseased cattle into state.**—Every person who imports into this state any cattle, horses, mules, or asses, after the governor has made proclamation holding in quarantine for the purpose of inspection for contagious or infectious diseases, such animals, and allows the same or any of them to leave the place of their first arrival in this state, until they have been examined by the state veterinary surgeon, and a certificate has been obtained therefrom that such animals are free from disease, or permits any such animals to run at large, or to be removed, or to escape before such certificate has been received, is punishable by a fine not exceeding five hundred dollars. This Section does not apply to any animals driven in harness, or under yoke, or ridden by their owners into this state.

8848. (§ 1175.) **Receiving or transporting diseased cattle.**—Every person who, after the publication of such proclamation, knowingly receives or transports within the limits of this state, any animal mentioned in the preceding Section, before the certificate mentioned therein has been given, is punishable by a fine not exceeding ten thousand dollars.

8849. (§ 1176.) **Obstructing veterinary surgeon, etc.**—Every person who owns or has the custody of any cattle, horses, mules or asses infected with a contagious disease, and fails to immediately report the same to the state veterinary

surgeon, or conceals the existence of such disease, or attempts so to do, or wilfully obstructs or resists the said veterinary surgeon in the discharge of his duty as provided by law, or sells, gives away or uses the meat or milk, or removes the skin or any part of such animal, is punishable by a fine not exceeding five hundred dollars.

8867. (§ 1193.) **Diseased animals.**—It is unlawful for any person having in charge any horse, mule, ass, sheep, hog, or cattle, affected with a contagious disease, to allow such animal to run on any range or to be within any enclosure where they may come in contact with any other animal not so diseased. All animals so affected must be immediately removed to an inside inclosure secure from other animals, or must be herded six miles away from any farm or ranch or from any other stock running at large or being herded. Every person who neglects or refuses to remove or inclose, or herd as aforesaid, such diseased animals, is guilty of a misdemeanor and liable in damages to the party injured.

DRIVING FROM RANGE.

8858. (§ 1185.) **Driving stock from ranges, prohibited.**—That any person or persons other than the owner of, or his agents who shall drive any horses, mules or cattle farther from their usual and customary ranges, than the nearest corral, and who shall neglect to return such horses, mules or cattle immediately to their accustomed range; **Provided** they can have the use of such corral shall be deemed guilty of a misdemeanor, and on conviction thereof before any justice of the peace, in the state of Montana shall be fined in any sum not exceeding one hundred dollars nor less than twenty-five dollars to be collected as other fines are; and may also in the discretion of the said justice of the peace be imprisoned in the county jail for a term not more than three months, or both. All fines collected under the provisions of this Act shall be paid into the school fund of the county in which the said stock do most usually range and graze. (Act approved March 9, 1893.)

8860. (§ 1187.) **Driving cattle, etc., from range.**—Every person who wilfully drives or causes to be driven any cattle, horses, mules, sheep, or swine from their customary range without the permission of the owner thereof is punishable by

imprisonment in the county jail not exceeding ninety days, or by fine not exceeding one hundred dollars, or both.

DOGGING LIVESTOCK.

8861. **Dogging livestock.**—Any person, who shall permit or direct any dog owned by them, or in their possession or in the possession of any employer to chase or run any cattle or other live stock, of which he is not the owner or the person in charge upon the open range, or government lands or away from any watering place upon the open range, shall be guilty of a misdemeanor and shall be punishable by a fine of not more than Fifty (\$50.00) Dollars. (Act approved March 6, 1903.) (8th Sess. Chap. 110.)

BUTCHERS, DUTY OF

8859. (§ 1186.) **Duty of butchers slaughtering animals.**—Every person who is a butcher and who slaughters cattle in this state, and fails to keep a true and correct record of all marks and brands of the cattle slaughtered by him, the name of the person from whom said cattle were bought, his residence and the date of the purchase and delivery of the cattle, or fails to keep such record open for inspection at his place of business, or fails on or before the first day of each month to file a verified copy of such record in the office of the justice of the peace nearest his place of business and another verified copy in the office of the county clerk of the county in which he resides, and every person slaughtering cattle, who does not keep the hide, with the ears attached, for ten days after the slaughter of such animal, at his place of business or residence, or who does not exhibit said hide upon demand of any person, is punishable by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months, or both.

8862. (§ 1188.) **Hides of animals killed.**—Every person, except, a licensed butcher, who offers to sell or sells any beef and fails to expose to the purchaser the hide of the animal to be sold, or sold, and does not keep such hide for ten days after the sale at his place of residence, or refuses to allow the same to be inspected by any other person, is punishable by imprisonment in the county jail not exceeding three months, or by a fine not exceeding one hundred dollars, or both.

MISCELLANEOUS OFFENCES.

8690. (§ 940.) **False pedigree of animals, etc.**—Every person who makes, publishes, delivers or uses any false or fraudulent pedigree of any horse, cattle, sheep or other domestic animal for the purpose of increasing the value of the animal is punishable by a fine not exceeding five hundred dollars.

8691. (§ 941.) **Selling animal with false pedigree.**—Every person who by statements or representations concerning a false or fraudulent pedigree sells to another any domestic animal and such animal is not of the breeding or pedigree as represented, is punishable by a fine not exceeding fifty dollars, and is liable to the purchaser in a civil action for double the value or price paid for the animal.

8771. (§ 1074.) **Driving animals on sidewalk.**—Every person who, wilfully and without authority, drives any team, vehicle or animal along or upon a sidewalk in a town or city, is punishable by imprisonment in the county jail not exceeding one month, or by a fine not exceeding fifty dollars, or both.

8833. (§ 1160.) **Obstructing ford near ferry.**—Every person who owns and conducts a ferry, and who obstructs any ford at or near his ferry, or excludes or prevents the public from the free use of such ford, and who in any manner obstructs such ford, is punishable by a fine not exceeding one hundred dollars.

8837. (§ 1164.) **Ram running at large.**—Every person who owns, controls, or has the custody of any ram or he goat, and allows the same to run at large between the first day of August and the first day of December of each year, is punishable by a fine not exceeding twenty dollars.

ILLEGAL BRANDING.

8863. (§ 1189.) **Branding cattle running at large.**—Every person save only an owner, and he only when branding on his own premises and in the presence of two responsible citizens, who marks or brands any calf or cattle that are running at large between the first day of December, and the tenth day of May of the next ensuing year; and every person who shall at any time brand or cause to be branded or marked any horse, mule, cattle or head of cattle, sheep, swine, or other animal, one year old or older, with any piece of metal or implement,

other than branding iron, which branding iron shall be of the same design as the brand or mark owned by the party using it; or who shall so mark or brand, or cause to be marked or branded any of the animals aforesaid with any piece or pieces of iron called "running irons," such as bars, rings, half or quarter circles; is punishable by imprisonment in the county jail for not exceeding six months, or by a fine of not less than twenty-five dollars, nor more than five hundred dollars, or both. (Act approved March 5, 1895.)

8864. **Prohibiting sash or frying pan brand.**—Every person who, for the purpose of branding horses, cattle, sheep, goats or any other animal, uses as a brand, a sash, frying pan or any device whatsoever, which can be employed or used to obliterate a brand, and every person who shall use any unrecorded brand which is an infringement upon any recorded brand, or who shall use a like brand in the same position or place recorded by another, is punishable by a fine not exceeding Two Hundred Dollars, or imprisonment in the county jail not exceeding sixty days, or both. (Act approved March 7, 1903.) (8th Sess. Chap. 125.)

Helena, December 23, 1911.

Mr. D. W. Raymond, Sec'y,

State Board of Stock Commissioners,

Helena, Montana.

Dear Sir:—

I acknowledge receipt of your letter of the 19th inst., wherein you request my official opinion upon the following state of facts relative to the shipment of stray cattle. You state that several shipments of cattle are being made to a number of points where the state board of stock commissioners are not represented by a state stock inspector. That in several instances of such shipments, a local stock inspector has found among the cattle sought to be shipped, stray cattle or cattle bearing other brands than that owned by the shipper, and you desire to know what is to be done with such stray cattle and whether such animals may be allowed to go with the shipment, and if not, what disposition is to be made of them. And you also state that strict enforcement of the rule to allow no strays to be shipped to points other than where you maintain inspectors, would cause great inconvenience.

By the provisions of Sec. 1820, Revised Codes:

“Every person, agent, firm, corporation, pool or roundup association who shall ship cattle from this state may ship with their own cattle any stray which may be among them.”

But provision is made in the same section for an accurate tally of the brand of the cattle in such shipment whether their own or strays and such section further provides that one copy of such tally shall be deposited with the railroad agent at the point of loading and subsequently forwarded to the state board of stock commissioners at Helena, and that another copy shall be immediately mailed to the state stock inspector at the point of destination. This section 1820 apparently gives authority to a person to ship with his own cattle, stray cattle that may be among them, but in view of the provision of said section requiring a copy of the tally list to be mailed to the state stock inspector at the point of destination, it is my opinion that the authority of one person to ship with his own cattle, the cattle of another person—as strays, such shipment must be consigned to a destination at which the board of stock commissioners maintain a state stock inspector, and that in case such shipment is destined to a point where no such inspector is sta-

tioned, that no right is given to any person, firm, corporation or roundup association to ship other than their own cattle or cattle which they may be authorized to ship by a true owner.

By the provisions of Chapter 19, Laws of 1903, the Legislature undertook to define a "stray" but said act of 1903 was declared unconstitutional by the Supreme Court of this State in the case of *State vs. Cunningham*, 35 Mont. 547, and since that time there is no statutory definition of the word "stray" in this state.

Sections 1812, 1813 and 1814, provides for the inspection of cattle to be removed or shipped from the State other than the cattle which shall be loaded for shipment and consigned to a point where the state board of stock commissioners maintain a stock inspector. These sections provide for the inspection of such cattle by the local stock inspector and by the provisions of Sec. 1813 he is given discretion in passing upon such shipment. The section providing in part:

"If, in the opinion of the stock inspector the person proposing to remove the same, is rightfully in possession of the animals inspected, he shall grant such persons a certificate of inspection."

and said section further provides in part:

"If, however, any stock inspector making such inspection shall be in doubt as to whether any of said stock is rightfully in possession of the person proposing to remove the same from this state he shall withhold such inspection certificate until satisfied that the said shipper is in rightful possession of such stock."

From these provisions it will be seen that a large discretion is given the stock inspector in passing the shipment and each shipment will necessarily be governed by the facts and circumstances surrounding it. Taking into consideration the shipper, his standing in the community and his responsibility, so that whether the cattle offered for shipment bear the brand of the shipper or bear the brand of some other person, the shipment may be passed upon by the stock inspector if he is satisfied that the person proposing to remove the same is rightfully in possession of the animals inspected. A recorded brand is not conclusive evidence of the ownership of the animal bearing such brand, but in my opinion is merely presumptive evidence of such ownership and it is not only possible, but quite usual that the ownership of a brand upon an animal may be

in one person and the ownership of the animal itself in another.

You state further in your letter that in case the shipper is not the owner of the brand borne by the animal and for that reason the inspector withholds his certificate of inspection; that the animals are then turned loose at the point of shipment and a great distance from a feeding point "to become the prey of rustlers." I cannot see that this is a necessary consequence of such action. Sections 8858 and 8860, make it an offense for any person other than the owner of cattle to drive them from their usual and customary range farther than the nearest corral, and it is contemplated by said section that the animals of which such person is not the owner, should be cut out and immediately returned to their accustomed range and if any person should drive to a shipping point, animals of which he was not the owner or to the possession of which he is not entitled in my opinion he would be acting in violation of the provisions of sections 8858 and 8869, in case he did not immediately return them to their usual and customary range, the places from which he obtained them.

Yours very truly,

ALBERT J. GALEN,

Attorney General.

Helena, Mont., July 15, 1911.

Mr. D. W. Raymond, Sec'y,
Board of Stock Commissioners,
Helena, Montana.

Dear Sir:

I am in receipt of your letter of the 13th inst., enclosing a communication received by you from George Twible, in which he states:

1. That there was running on the range there a mare branded "E L ish" that has been there for eight or nine years, and that there is running with her a two year old and a yearling colt, both of which, are unbranded and he is desirous to know of you if he can sell the same as stock inspector.

With reference to the first question submitted, we have no law in this state defining "estrays;" the only act we had on that subject was Chap. 19, Laws of 1903, which the supreme court held to be unconstitutional and void in the case of State vs. Cunningham, 35 Mont., 457.

Sec. 1820 et seq. Revised Codes, provide for the sale of certain strays when shipped out of the State, but these sections have reference only to cattle, and section 1996 et. seq. Revised Codes, provide for the sale of domestic animals when the same are saved from drowning or starvation. The only other section we have on the subject is Sec. 1817, Revised Codes, which provides for the sale of domestic animals in certain cases where the same are held under quarantine.

Unless, therefore, this mare and these colts are held under provisions of Sec. 1817 et seq. or under the provisions of Sec. 1896 et seq., I know of no law that authorizes their sale.

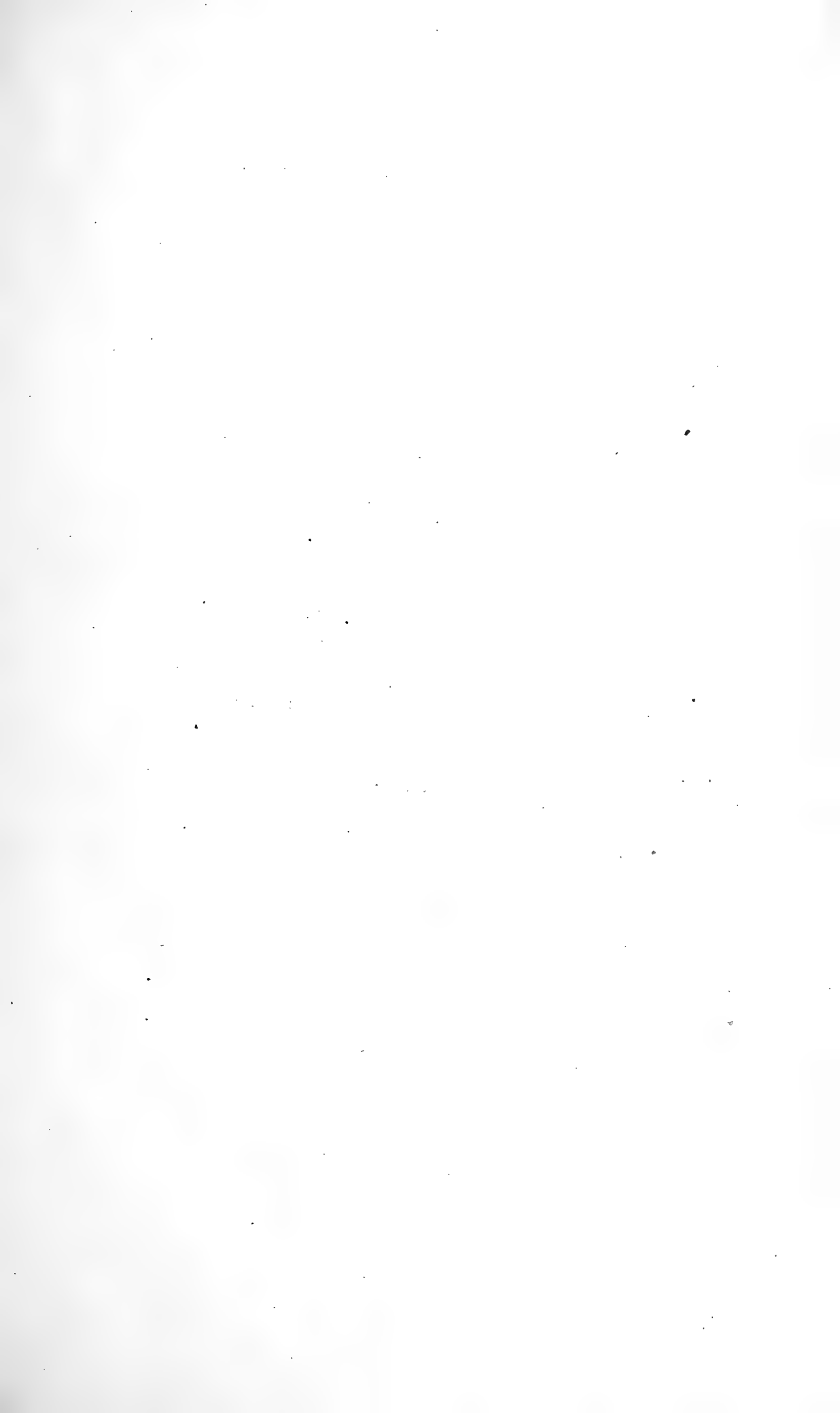
Yours very truly,

ALBERT J. GALEN,

Attorney General.

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